



Office of the State Superintendent

June 3, 2015

TO: Chancellor, District of Columbia Public Schools (DCPS)
Public Charter School Board
Public Charter School Directors
Principals, DCPS

FROM: Hanseul Kang
Acting State Superintendent

RE: State Policy Regarding the National Instructional Materials Accessibility Standard (NIMAS) and the National Instructional Materials Access Center (NIMAC)

CONTACT: Jessica Dulay, NIMAS/NIMAC Coordinator
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The purpose of this Memorandum is to provide notice to LEAs of the adoption of the National Instructional Materials Accessibility Standard (NIMAS) by the Office of the State Superintendent (OSSE) and to set State policy regarding the requirements of the NIMAS and the State Educational Agency's (SEA's) coordination with the National Instructional Materials Access Center (NIMAC) as outlined under sections 612(a)(23)(A) and 674(e) of the Individuals with Disabilities Education Act (IDEA).

NIMAS AND COORDINATION WITH NIMAC

The IDEA requires states to adopt NIMAS for the purpose of providing instructional materials to persons who are blind or other persons with print disabilities. 20 U.S.C. § 1412(a)(23). NIMAS is the National Instructional Materials Accessibility Standard, established under sections 612(a)(23)(A) and 674(e) of the IDEA. The standard is a file set that includes all information typically prepared for publishing, including metadata, images and text, used to produce accessible instructional materials for students who are blind or who have other print disabilities. Under IDEA, all State educational agencies (SEAs) must adopt NIMAS; however, SEAs and local education agencies (LEAs) may choose whether to coordinate with the National Instructional Materials Access Center (NIMAC), a national repository authorized under section 674(e) of IDEA for NIMAS files received from publishers, SEAs, and LEAs. OSSE, as the State Educational Agency for the District of Columbia, has agreed to coordinate with NIMAC.

Proper coordination with NIMAC and the adoption of the NIMAS standard will support LEAs in their work to ensure that eligible students have the widest range of supports and services available under the law to ensure access to the general curriculum. Eligible students are those who are blind or who have other print disabilities and who may qualify to receive books and other publications produced in specialized formats in accordance with “An Act to Provide Books for Adult Blind,” as codified in 2 USC §135a. (See 34 CFR §300.172(e). OSSE's coordination with NIMAC will allow LEAs and eligible students to directly access materials through the District of Columbia's authorized user,).

NIMAC serves as a national repository of the NIMAS source files for accessible media production (AMP) of textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary schools.

NIMAC receives NIMAS file sets from publishers, catalogs these files, and makes them available for download by authorized users, who are identified and registered with the NIMAC by the NIMAS/NIMAC state coordinator. Once downloaded, the file sets are then converted into a student-ready specialized format. These formats are Braille, audio, or digital text which is exclusively for use by eligible students, and includes large print formats when distributed exclusively for use by eligible students.

AUTHORIZED USER FOR THE DISTRICT OF COLUMBIA

The authorized user for the District of Columbia is Bookshare. Any LEA that chooses to access NIMAS materials through NIMAC should work directly with the authorized user.

Bookshare:

480 S. California Avenue, Suite 201

Palo Alto, CA 94306

Phone: 650-644-3411

Website: <http://www.bookshare.org>

Bookshare supports digital accessible text based on Digital Accessible Information System (DAISY) format and digital Braille Ready Format (BRF). Bookshare's memberships and books are completely free to qualified US students, due to a special award from the U.S Department of Education's Office of Special Education Programs (OSEP).

The American Printing House for the Blind, Inc. (APH) provides textbooks and magazines in braille, large print, recorded, and digital formats. LEAs requiring materials through (APH) may access those specific formats through Bookshare.

The official state NIMAS/NIMAC coordinator for the District of Columbia is Ms. Jessica Dulay in the Division of Elementary, Secondary, and Specialized Education. All specific questions regarding state level responsibilities and coordination should be directed to Ms. Dulay.

ADDITIONAL LEA REQUIREMENTS

Contract Requirements

In accordance with 34 CFR §300.172(c), LEAs must ensure that all contracts with publishers of print materials require that the publisher prepare and provide to NIMAC electronic files or allow for the purchase of materials from the publisher that are in the specialized formats.

Definition of “Timely Manner”

The IDEA requires that eligible students who are blind or have other print disabilities, as well as other children with disabilities who need instructional materials in accessible formats but who are not included under the definition of blind or other persons with print disabilities, must receive those instructional materials in a timely manner. (See 34 CFR §300.172(b)(3) & (c)(2).) OSSE defines “timely manner” as the amount of time necessary to take all reasonable steps to provide instructional materials to children with disabilities at the same time that children without disabilities receive instructional materials. (See 34 CFR §300.172(b)(4)).

TECHNICAL ASSISTANCE AND SUPPORT

The United States Department of Education has established two national technical assistance centers to directly support LEAs, parents, teachers and students.

National Instructional Materials Access Center (NIMAC)

General website:

<http://www.nimac.us/index.html>

Frequently Asked Questions - Teachers, Parents, Students:

http://www.nimac.us/faq_teachers.html

National Center on Applied Instructional Materials (AIM)

General website:

<http://aim.cast.org/>

Frequently Asked Questions:

<http://aim.cast.org/learn/policy/federal/faq>

COMPLIANCE AND MONITORING

The U.S. Department of Education’s Office of Special Education Programs (OSEP) requires that every state education agency (SEA) monitor LEAs to ensure compliance with Part B of the IDEA. A finding of LEA noncompliance by OSSE will result in the requirement to submit an improvement plan containing corrective actions for each area of noncompliance. OSSE may also recommend or require training and technical assistance to LEA staff when crafting corrective actions. All items of noncompliance must, by federal law, be corrected within one year of the

finding; sustained noncompliance by an LEA may result in sanctions that include potential withholding of Part B grant funding.¹

All LEAs must comply with monitoring requirements established annually by OSSE, which include the collection and submission of both quantitative and qualitative data that support monitoring for regulatory compliance and programmatic quality. Additionally, a subset of LEAs will be selected for OSSE's annual focused monitoring process.

ADDITIONAL GUIDANCE

This memorandum supersedes all previous policy, memorandum, and/or guidance promulgated by the SEA. Please direct any questions regarding the content of this document to the State NIMAS/NIMAC Coordinator, Jessica Dulay at (202) 741-7669, or by e-mail at Jessica.dulay@dc.gov.

¹ 34 C.F.R. §300.604(a)