



Information UPDATE

Wisconsin Department of Public Instruction/Tony Evers, PhD, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

BULLETIN NO. 13.02

July 2013

TO: District Administrators, CESA Administrators, CCDEB Administrators, Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support

SUBJECT: Legal Requirements of Accessible Instructional Materials (AIM) (This replaces Bulletin 07.03)

A provision in the Individuals with Disabilities Education Act of 2004 (IDEA) established the National Instructional Materials Accessibility Standard (NIMAS). 34 CFR §300.172(a)(1). NIMAS is a technical standard used by publishers to produce source files in XML that may be used to develop multiple specialized formats, such as braille or audio books, for students with print disabilities.

The U.S. Department of Education, Office of Special Education Programs (OSEP) established the National Instructional Materials Access Center (NIMAC) at the American Printing House for the Blind in order to create a national repository of NIMAS source files that can be converted into specialized formats for students who have print disabilities, including those who are blind or visually impaired. These specialized formats include audio, braille, large print and digital files. The responsibility of the NIMAC is to receive files from the textbook publishers and maintain a catalog of these electronic files.

Textbooks and related core materials received from the NIMAC are student-specific. Because of copyright laws, these files may only be used by the student for whom the material was requested.

Students served under IDEA may qualify to receive books and other publications produced in specialized formats in accordance with the Act to provide books for the adult blind, approved March 3, 1931, 2 U.S.C. 135a. [34 CFR §300.172(e)(1)(i)] The Library of Congress regulations related to this Act provide that blind persons or other persons with print disabilities include:

1. Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
2. Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
3. Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
4. 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. 36 CFR 701.6(b)(1).

IDEA states that visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. 34 CFR §300.8 (13).

An IEP team determines the need and the type of specialized format based on the evaluations of certified professionals and the individual needs of the student. The IEP team will consider if the student needs instructional materials in specialized format to meet the IEP goals and access the general curriculum. In developing the IEP for a student who is blind or visually impaired, the IEP team must provide for instruction in braille and the use of braille unless the team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate for the student. 34 CFR §300.324(a)(2)(iii).

The IEP team also must consider whether the student needs assistive technology devices or services. 34 CFR §300.324(a)(2)(v). An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted. 34 CFR §300.5.

Wisconsin LEAs provide the Wisconsin Department of Public Instruction (WDPI) with an annual assurance documenting they will provide textbooks and other core materials to blind persons or other persons with print disabilities in a timely manner. 34 CFR §300.210 (a) & (b).

Each state must establish a definition of "timely manner." 34 CFR §300.172(a)(2). In Wisconsin, all students eligible for materials in a specialized format must receive their materials at the same time as their non-disabled peers. In some instances, original formats are highly technical and/or include a high number of tactile graphics and take additional time to convert to a specialized format. In order to meet the requirement that students with print disabilities receive their materials at the same time as their non-disabled peers, LEAs must be aware of the content of the original formats that need to be converted into specialized formats and submit requests as early as possible.

It is important for districts to select new textbooks before April 1 of each year to ensure timely delivery of textbooks in the appropriate format for the upcoming academic school year. When a LEA purchases textbooks, LEA staff must ensure that publishers of textbooks and related core instructional materials submit electronic files containing those instructional materials to the NIMAC.

Please visit the DPI-Wisconsin Accessible Media Production website (<http://www.wamp.k12.wi.us>) for detailed information regarding the Wisconsin acquisition process for procuring specially formatted textbooks and related educational materials as well as suggested language for contracts and purchase orders.

This information update is also available at:

http://sped.dpi.wi.gov/sped_bulindex