

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
RICHMOND, VIRGINIA 23218-2120

ADMINISTRATIVE

**TO:** Division Superintendents

**FROM:** Billy K. Cannaday, Jr.  
Superintendent of Public Instruction

**SUBJECT:** National Instructional Materials Accessibility Standard (NIMAS):  
Additional Assurance Required for IDEA Part B Grant

One of the topics addressed by IDEA 2004 is the National Instructional Materials Accessibility Standard (NIMAS), which is designed to streamline access to instructional materials for students who are blind or have other print disabilities (see Attachment B, "NIMAS in IDEA 2004").

**States' Responsibilities**

Every state is required to adopt the NIMAS. NIMAS outlines a set of specifications for document source files created by K-12 curriculum publishers or other content producers that can be used to create accessible formats of print instructional materials. Curriculum materials covered by NIMAS include printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction and that are required by a state or school division for use by students in the classroom. Each state must provide an assurance to the U.S. Department of Education Office of Special Education Programs (US-OSEP) as part of the State's IDEA Part B application that students who need curriculum materials in alternate formats are provided with those formats in a timely manner to ensure access to the general education curriculum.

Each state may choose to "opt-in" or "opt-out" of the National Instructional Materials Access Center (NIMAC). NIMAC will create a national repository of NIMAS source files that can then be converted into formats that are accessible by students who are blind or have other print disabilities (see "Frequently Asked Questions about NIMAS & NIMAC", Attachment C. Note that this version of the FAQ is a late-stage draft. Answers may change in the future as new information about NIMAS becomes available.) Virginia has decided to "opt-in" and has provided an assurance to US-OSEP regarding our participation in NIMAC. Even though Virginia does not order textbooks for divisions, choosing to participate in NIMAC will help divisions acquire student-ready versions in a more timely and cost-efficient manner. Divisions will continue to receive instructional material for students who are blind and vision impaired through the Virginia Department for the Blind and Vision Impaired, and those for students with other print disabilities through an agency to be determined. This memo has also been sent to Special Education Directors to make them aware of new requirements.

## Divisions' Responsibilities

Each division has the option of participating in NIMAC. Whether a division does or does not participate in NIMAC, the division will be responsible for ensuring that each child who requires instructional materials in an alternate format will receive them in a timely manner. The Virginia Department of Education recommends that divisions choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For divisions that choose to participate in NIMAC, contracts with publishers executed on and after December 3, 2006, for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this should not add any cost to the contract). Curriculum publishers have been involved in discussions relating to NIMAS and are well aware of its requirements. An example of contract language used in some states can be found under "Districts' Responsibilities" at <http://www.doe.mass.edu/sped/2006/nimas.html>. In lieu of, or in addition to, choosing to participate in NIMAC, each LEA may contract with curriculum publishers directly to purchase accessible, student-ready versions. In most cases, however, you will find that publishers will not have such versions for sale.

## Required Documentation

Attached is a one-page form entitled "NIMAC Participation Assurance Statement" (Attachment A). The superintendent of each division is required to review this assurance statement, and to indicate if you will "opt-in" to the NIMAC or "opt-out." If you "opt-out", you must still provide materials in an alternate format and in a timely manner. Please complete the assurance statement (attached), and return it before November 6, 2006, to: Debbie Pfeiffer, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120.

For more information:

- To learn more about NIMAS, please refer to <http://nimas.cast.org>
- To learn more about the NIMAC, please refer to <http://nimac.us>
- One-hour telephone conference calls with the Virginia Department of Education personnel to address your questions regarding NIMAS/NIMAC requirements and textbook procurement are scheduled for October 31, 2006. School divisions are asked to assemble their representatives at one location, use a speakerphone, and participate at the time assigned below. Divisions are assigned a time according to the beginning letter of their school division/state operated program name. At the appointed calling time, the caller should dial 497-3932 if it is a local call to Richmond, and 1 800 337-3137 if it is long distance. Enter passcode 4059.

<u>Time</u>	<u>School</u>
<u>Divisions</u>	
9:00 a.m. – 10:00 a.m	A – G
11:00 a.m. – 12 noon	H – P
2:00 p.m. – 3:00 p.m.	R – Y

BKCjr/dlp

**Attachments:**

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm040a.pdf>

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm040b.pdf>

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/adm040c.pdf>

- (1) The IEP team must document in the child's IEP that the student has a need for accessible instructional materials.
- (2) The local school division must have purchased a print copy of the core instructional material from which it will create an accessible format.
- (3) The Digital Rights Manager responsible for managing copyright compliance shall evaluate the provision of the accessible instructional materials to the designated student.
- (4) Each accessible instructional material will be assigned directly to one particular student using that student's unique testing identified (STI) to ensure that non-eligible students are not permitted to access to the material.

The local school divisions are advised to consult independently with their respective legal counsel to ensure full compliance with this Policy, IDEA and NIMAS provisions.

#### Contact Information

For matters related to this policy:

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