



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
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November 2006

To: District Superintendents  
Presidents of Boards of Education  
Superintendents of Schools  
Organizations, Parents & Individuals Concerned with Special Education  
Superintendents of State-Operated and State-Supported Schools  
Executive Directors of Approved Private Schools  
Directors of Approved Preschool Programs  
Principals of Public Schools  
Commissioner's Advisory Panel for Special Education Services  
Impartial Hearing Officers  
Community Dispute Resolution Centers  
SETRC Professional Development Specialists  
ECDC Project Directors and Coordinators

From: James P. DeLorenzo 

Subject: National Instructional Materials Accessibility Standard (NIMAS) and National Instructional Materials Access Center (NIMAC) [Additional Assurance Required for IDEA Part B Grant]

The purpose of this memorandum is to provide guidance on the National Instructional Materials Accessibility Standard (NIMAS) and National Instructional Materials Access Center (NIMAC), as required by the Individuals with Disabilities Education Act (IDEA). NIMAC is designed to streamline access to instructional materials that meet the NIMAS standard for students who are blind or have other print disabilities. Please share this information with your Directors of Special Education, Chairpersons of Committees on Special Education, Chairpersons of Committees on Preschool Special Education, Directors of Pupil Personnel Services and others who may be responsible for providing instructional materials to students with disabilities.

## NIMAS

Every state and school district must adopt NIMAS. NIMAS outlines a set of consistent and valid specifications for document source files created by K-12 curriculum publishers or other content producers that can be used to create accessible specialized 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 district for use by students in the classroom. Each state must provide an assurance to Office of Special Education Programs (OSEP) as part of its annual IDEA Part B Application for federal funds that students who need curriculum materials in alternate formats are provided with those formats using the NIMAS standard in a timely manner to ensure student's access to the general education curriculum. To meet this requirement section 200.2(b)(10) of the Regulations of the Commissioner of Education requires school districts to ensure that all instructional materials used in the district are available in a usable alternative format that must meet NIMAS.

## **NIMAC**

To facilitate access to instructional materials to meet NIMAS, New York State (NYS) has chosen to coordinate with the 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. Even though New York does not order textbooks for districts, choosing to participate in NIMAC will help districts acquire student-ready versions in a more timely and cost-efficient manner.

Definitions used in NIMAC:

- A “textbook” is defined as the principal tool of instruction used in the classroom. It is a printed book or books that contains most, if not all of the academic content a student needs to learn to use the State or local education agency’s (SEA or LEA) curriculum requirements for that subject area.
- “Related core materials” are printed materials, other than textbooks designed for use by students in the classroom in conjunction with a textbook and which, together with the textbook, are necessary to meet the curriculum requirements for the intended course. The materials should be directly related to the textbook and wherever possible they should be published by the publisher of the textbook. Related core materials do not include materials that are not written and published primarily for use by students in the classroom (e.g., trade books not bundled with the textbook, newspapers and reference works) nor ancillary or supplemental materials that are not necessary to meet the curriculum requirements for the intended course.
- “Curriculum requirements for the intended course” refers to relevant curriculum standards and requirements as established by the SEA or LEA.

## **School Districts’ Responsibilities**

Each school district has the option of participating in NIMAC. Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards (8NYCRR section 200.2(b)(10)). The NYS Education Department (NYSED) recommends that school districts 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 school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools 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 will not add any cost to the contract). Curriculum publishers have been involved in discussions relating to NIMAS and are well aware of its requirements. Model contract language is included below:

“By agreeing to deliver the materials marked with “NIMAS” on this contract or purchase order, the publisher agrees to submit a valid NIMAS file set to NIMAC at the American Printing House for the Blind, Inc. (APH). Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher of its obligation to submit NIMAS file sets of the purchased products to NIMAC. This is page \_\_\_ of \_\_\_ of this contract or purchase order.”

In lieu of, or in addition to choosing to participate in NIMAC, schools 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. Attachment 1 identifies the steps to obtain accessible materials in coordination with NIMAC.

### **Required Assurance**

As part of the fiscal year 2007 Grant Assurances Document provided by all districts, there is an additional certification required for the NIMAS provision of IDEA. Your district is required to review this assurance, check YES or NO to indicate if you will “opt-in” to NIMAC or provide materials in an alternate but timely manner. The signed assurance (Attachment 2) must be returned to NYSED by November 30, 2006.

### **For more information**

- Contact New York State School for the Blind Resource Center (NYSSBRC) at: 585-343-5384 Ext. 207
- To learn more about NIMAS, please refer to <http://nimas.cast.org>
- To learn more about the NIMAC, please refer to <http://nimac.us>
- Contact Daniel J. Ryan at 518-486-7462

### **Attachments:**

Steps for Coordinating with NIMAC  
LEA Part B Assurance

**Steps for Coordinating with NIMAC**

1. Send signed assurance to New York State Education Department (NYSED) no later than November 30, 2006.
2. Contact New York State School for the Blind Resource Center (NYSSBRC) at 585-343-5384 Ext. 207 to check for availability of textbook.
3. NYSSBRC will check available databases (including NIMAC) and advise the school district on the availability of the book. If the book is available, NYSSBRC will give information to the district on how to locate the book.
4. If the book is unavailable, NYSSBRC will instruct the school district to incorporate the new contract language into its purchase order with publishers. A copy of the original purchase order must be sent to NYSSBRC.
5. The publisher prepares a NIMAS file set and sends it to NIMAC.
6. NIMAC validates, catalogs, and provides secure access to the NIMAS file set.
7. NYSSBRC and Helen Keller Services for the Blind (HKSB) are notified electronically that the NIMAS file set is ready.
8. HKSB downloads the NIMAS file set and converts the book to the alternate format.
9. HKSB ships the alternate format book to the school district and notifies NYSSBRC that the order is complete.
10. HKSB files information about the book with the Louis Database of Accessible Materials for People who are Blind or Visually Impaired.

**LEA Part B Application for Federal Fiscal Year (FY) 2007  
IDEA Part B  
ASSURANCES**

National Instructional Materials Accessibility Center (NIMAC)

The school district will coordinate with NIMAC and not later than December 3, 2006, the LEA will, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, enter into a written contract with the publisher of the print instructional materials to:

- Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC, electronic files containing the contents of the print instructional materials using the NIMAS standard; or
- Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

\_\_\_\_\_ Yes, the district will participate in NIMAC.

\_\_\_\_\_ No, the district has chosen not to coordinate with NIMAC, but assures that it will provide instructional materials to blind persons or other persons with print disabilities that meet NIMAS in a timely manner.

I, the undersigned authorized official, do hereby certify that the Statement of Assurance provided herein for the Special Education Grant Application for FY 2007 shall be fully implemented.

Signature of Superintendent

\_\_\_\_\_

Name (please type)

\_\_\_\_\_

School District

\_\_\_\_\_

Date

\_\_\_\_\_

Return this form no later than November 30, 2006 to:

New York State Education Department  
Attn: Michael Plotzker  
VESID – COASST  
Room 1609, OCP  
Albany, New York 12234