

NIMAS UPDATE

Eligibility for receipt of NIMAS files turns on nature of student's disability

Case name: *Questions and Answers on the Nat'l Instructional Materials Accessibility Standard (NIMAS)*, [110 LRP 49607](#) (OSERS 08/01/10).

Ruling: Noting that only certain students are eligible to receive specially formatted materials through the [National Instructional Materials Access Center](#), OSERS offered some informal guidance on the provision of Braille, large print, audio or digital materials to students who are blind or have print disabilities. In addition to explaining which students are eligible for these materials, OSERS reviewed the types of instructional materials that are subject to the [National Instructional Materials Accessibility Standard](#).

What it means: Not all students with disabilities are entitled to receive NIMAS files obtained through NIMAC. Only elementary and secondary school students who are blind or are unable to read standard printed material, as certified by a competent authority, may receive these files. Still, OSERS observed that SEAs and LEAs must provide accessible materials to all students who need them. Even if a student is ineligible to receive NIMAS files obtained through NIMAC, the agency must ensure that the student receives accessible materials through some other source.

Summary: While all students who need accessible instructional materials are entitled to receive them, only a select group of students may receive NIMAS file sets obtained through NIMAC. OSERS issued a Q&A to explain which students are eligible for these specially formatted files and which types of instructional materials are subject to NIMAS standards.

NIMAS files are sets of information typically prepared for publishing in textbooks and other instructional materials intended for use in the production of materials for students who are blind or have print disabilities. An SEA or LEA may enter into a user agreement with NIMAC, which requires publishers of instructional materials to provide NIMAS files and authorizes specific users to access the NIMAC database. These authorized users may download the NIMAS files and convert them to specialized formats for students who are blind or have print disabilities.

OSERS noted that under the IDEA, only elementary and secondary school students who are blind or have print disabilities are eligible to receive NIMAS files obtained through NIMAC. Children aged 3 to 5 who are blind or have print disabilities may be eligible for these materials if the state's definition of elementary school includes preschools. Districts are responsible for obtaining the appropriate certification for students who require NIMAS files as well as the cost of that certification.

Although students who receive services under Section 504 are not eligible to receive specialized materials obtained through NIMAC, OSERS pointed out that educational agencies must provide accessible materials to all students who need them.

"In order to comply with this requirement, SEAs and LEAs must obtain the materials from other sources," OSERS wrote. OSERS observed that all printed instructional materials, including foreign language textbooks, are subject to NIMAS. However, NIMAS does not apply to online materials or standardized assessments.

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