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SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

March 23, 2010

**MEMORANDUM**

**TO:** Directors of Special Education Programs  
Regional Education Cooperatives

**FROM:** Denise Koscielniak  
Special Education Director, Special Education Bureau

**RE:** **NIMAS/NIMAC: INSTRUCTIONAL MATERIALS GUIDANCE**

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The Individuals with Disabilities Education Act of 2004 (IDEA 2004) required states to address the critical difficulty in obtaining accessible textbooks for students with disabilities by adopting a new file format, the National Instructional Materials Accessibility Standard (NIMAS). This same legislation offered a means to assist states in this responsibility by establishing a national repository to receive and store these files and make them available to states. This repository is the National Instructional Materials Access Center (NIMAC), and was established at the American Printing House for the Blind, Inc. (APH) with support from the U.S. Department of Education. (See also 34 CFR 300.172 and 34 CFR 300.210 and the rules implementing the Braille Access Act at 6.75.4.9 NMAC for Requirements: Responsibilities of Educational Institutions.)

The Public Education Department's (PED's) Special Education Bureau (SEB) developed the attached guidance to assist school districts in meeting the communication needs for students who are blind or visually impaired. The Individuals with Disabilities Education Act (IDEA) requires Individualized Education Program (IEP) teams to consider the communication needs of a student when developing, reviewing, and revising a student's IEP. The IDEA states that in developing each student's IEP, the IEP team shall consider the communication needs of the student. In the case of a child who is blind or visually impaired the IEP team must consider the following:

- The IEP team must provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child'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 child. (see **34 CFR 300.324 (a) (2) (iii)**).

Use the following steps to obtain an agreement through NIMAC:

1. Go to [www.nimac.us](http://www.nimac.us)
2. On the top right hand side of the page click on "enter NIMAC repository"
3. Click on the third line down "click here for more information"
4. Click on the second option "download the NIMAC Limitation of Use Agreement"
5. Follow as directed

## **Questions & Answers Regarding NIMAC**

### **What is the NIMAC?**

The NIMAC is a central repository that contains NIMAS source files. These files can be used to produce accessible formats on behalf of eligible print disabled students in grades K-12. Publishers deposit NIMAS files to the repository. The NIMAS files are checked to confirm that they are valid NIMAS, and are cataloged into a web-based database. Anyone is welcome to search the database. Those who have been authorized for access have user identifications and passwords. These Authorized Users (AUs) can download directly the files they need to convert into accessible formats or they can assign files for download to Accessible Media Producers (AMPs) who have registered with NIMAC.

### **What kinds of materials are in the NIMAC?**

The NIMAC contains textbooks and related printed core materials published primarily for use in elementary or secondary education.

### **How do files get to the NIMAC?**

States and local education agencies require publishers to produce and submit NIMAS files as a part of the print book purchase agreement or adoption contract.

### **How do states work with the NIMAC?**

To coordinate with the national repository:

- The state selects a state-level official to serve as the NIMAC State Coordinator (currently Sandra Schwarz).
- The State Coordinator designates Authorized Users (AUs) who may obtain files directly from the NIMAC or assign them to registered Accessible Media Producers (AMPs) for download.
- State Educational Agencies (SEAs) and Local Education Agencies (LEAs) agree to include language in purchase contracts with publishers directing them to send NIMAS files of elementary and secondary "textbooks and related printed core materials" to the NIMAC.
- The SEAs or LEAs arrange to have the files converted to accessible textbooks by using their own resources or contracting with AMPs to provide these services.

### **How does the NIMAC work?**

The 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 a representative of the state department of education. 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 blind or other persons with print disabilities, and includes large print formats when distributed exclusively for use by blind or other persons with print disabilities.

### **How are files distributed by the NIMAC?**

After validation and cataloging, the NIMAS files are available for downloading by Authorized Users via an online, searchable database. Anyone is welcome to search the NIMAC at [www.nimac.us](http://www.nimac.us).

To ensure copyright protection and to ensure that files are used only to produce accessible textbooks on behalf of eligible print disabled students, all Authorized Users sign the NIMAC Limitation of Use Agreement.

### **As a teacher, where can I find guidance on locating accessible materials?**

The NIMAS Technical Assistance Center has prepared "An Educator's Guide to the Acquisition of Alternate Format Core Learning Materials for Pre-K-12 Students with Print Disabilities" with information about obtaining accessible educational materials. It may be found at: [http://nimas.cast.org/about/resources/accessible\\_textbooks.html](http://nimas.cast.org/about/resources/accessible_textbooks.html)

**Where can I obtain more information?**

Please check out the additional resources and specific user group pages and FAQs available at [www.nimac.us](http://www.nimac.us). NIMAC staff are also happy to answer your questions and provide further guidance. Call the contact number at 1-877-526-4622 or email at [nimac@aph.org](mailto:nimac@aph.org).

If you have any questions regarding the above information, please call Sandra Schwarz, Low Incidence Coordinator and NIMAC State Coordinator at the SEB at (505) 827-1460 or email at [sandra.schwarz@state.nm.us](mailto:sandra.schwarz@state.nm.us).

DK/ss

cc: Catherine Cross Maple, Ph.D., Deputy Education Secretary, Learning and Accountability  
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District Superintendents