



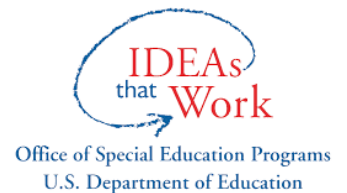
# NIMAS & NIMAC: What SEAs and LEAs Need to Know

## A Policy Brief for State and Local Special Education Leaders

A co-publication of the National Center on Accessible Digital Educational Materials & Instruction and the National Instructional Materials Access Center

December 2024

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## Purpose and Intended Audience

Students with sensory, physical, and learning disabilities are at risk of falling behind in educational progress when their learning materials are inaccessible, meaning the formats provided are unusable to them. Many of these students are academically at grade level but are often denied timely access to the general education curriculum. In the case of textbooks and related text-based materials, students with disabilities who read at grade level aren't necessarily able to use the material in the format provided by the state educational agency or local educational agency (SEA or LEA). To accommodate these students, SEAs and LEAs must be prepared to provide accessible formats, such as braille, audio, large print, tactile graphics, and digital text conforming to accessibility standards. In fact, the Individuals with Disabilities Education Act (IDEA) imposes certain obligations for accessibility on SEAs and LEAs.

This policy brief is meant to inform SEA and LEA special education administrators of the IDEA requirements on the provision of accessible formats for eligible students with disabilities. Guidance for meeting these responsibilities as outlined in the IDEA is also provided.

## The Provision of Accessible Materials in IDEA

The 2004 reauthorization of the IDEA requires SEAs and LEAs to provide **accessible formats of print instructional materials** in a **timely manner** to students who need them (Part B, Section 612 (a)(23) and Section 613 (a)(6)). As provisions of the law, Congress established the **National Instructional Materials Accessibility Standard (NIMAS)** and the **National Instructional Materials Access Center (NIMAC)**. Together, NIMAS and NIMAC speed up the production and delivery of accessible formats for eligible students with disabilities.

## Accessible Formats

Accessible formats address barriers inherent in text-based materials that aren't designed from the beginning to be usable for students with certain sensory, physical, or learning disabilities. Traditional print materials require a range of functional abilities to use, such as vision, mobility, and text decoding. Inaccessible digital text materials can present similar barriers when they're not designed to work with assistive technology (AT), such as screen

readers, text to speech, speech recognition, or switch access technology. Furthermore, access to braille is essential for the literacy development of many students who are blind or have low vision.

IDEA references Section 121 of the U.S. Copyright Act, also known as the Chafee Amendment, for NIMAS-related terms. Accessible format is defined as:

“[A]n alternative manner or form that gives an eligible person access to the work when the copy or phonorecord in the accessible format is used exclusively by the eligible person to permit him or her to have access as feasibly and comfortably as a person without such disability.”

The Chafee Amendment provides a copyright exemption permitting agencies and organizations, that have a primary mission to serve the needs of persons with disabilities, to create accessible formats without requesting permission of the copyright holder.

## The Definition of Print Instructional Materials: 2004 and Now

In the 2004 reauthorization of IDEA, the specific type of materials addressed by the law are referenced as “print instructional materials” and defined as:

“...printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by students in the classroom.”

This definition, centered on the print format, is reasonable in that printed textbooks were the primary source of curriculum material at the time the statute was written. Digital materials, however, would soon begin to replace print materials in classrooms around the country.

In a [2020 Notice of Interpretation \(NOI\)](#), the U.S. Department of Education clarified that the term “print instructional materials,” regarding the scope of NIMAS in IDEA, includes digital instructional materials when these materials can be converted into the valid NIMAS format. The NOI does not encompass all digital materials used in schools; it includes only the subset of digital instructional materials composed primarily of static images and text, have a linear reading order, and contain minimal or no interactivity. Most important, the NOI categorically exempts from NIMAS requirements those digital instructional materials meeting WCAG 2.0 AA accessibility criteria.

The NOI exemption underscores the obligation of SEAs and LEAs to ensure all digital educational materials are accessible under Title II of the Americans with Disabilities Act (ADA), in accordance with the [April 2024 final rule issued by the Department of Justice](#). While SEAs and LEAs are required to prioritize accessibility in their digital material provisions, both IDEA and Title II of the ADA mandate eligible students with disabilities be provided appropriate accessible formats when needed.

## Timely Manner

The IDEA requires each State to establish a definition of “timely manner.” The widely adopted definition has been a variation of “at the same time.” That is, a student who requires an educational material in an accessible format receives that format at the same time students without disabilities receive the same educational material.

## NIMAS

NIMAS is a technical standard used by publishers to produce electronic source files of textbooks and related instructional materials that can be converted into different types of formats, including braille, large print, and accessible digital text. Prior to NIMAS, districts or schools generally had to place individual requests to the publisher for a source file at the point they identified a student’s need. This process could lead to weeks or months of delay, or in some cases a source file might not be available at all.

Having a single, national source file format is beneficial both to publishers—who only need to provide one source file one time to support the need for accessible formats—and accessible media producers, who will know in advance what file format they will be able to access. This national source file format helps expedite the production and delivery of accessible materials to eligible students.

Under IDEA, SEAs must adopt the NIMAS, and those SEAs and LEAs that choose to coordinate with the NIMAC are legally obligated to require publishers to send NIMAS source files to the NIMAC as a part of any adoption process or procurement contract.

## NIMAC

In addition to a common standard, Congress recognized the need for an online repository to receive, manage, and distribute the NIMAS source files produced by publishers. [The NIMAC](#), housed at the American Printing House for the Blind (APH), receives NIMAS source

files in accordance with **SEA and LEA instructional material contract language**. Once a file is received, the NIMAC validates, reviews, and catalogs it in its repository. NIMAS source files are made available via a secure, online system to registered **Authorized Users** and **Accessible Media Producers** for use in the production of accessible formats.

Under IDEA, SEAs must opt in or opt out of coordinating with the NIMAC.

- SEAs that opt into coordinating with the NIMAC are required to direct publishers to submit NIMAS source files to the NIMAC as a part of all adoption contracts or purchase agreements for student instructional materials. Further, this requirement must include a deadline for the submission of NIMAS source files “on or before delivery of the print instructional material.” Under IDEA, the SEA or LEA instructional materials adoption contract or purchase agreement is the only mechanism for obligating publishers to submit source files to the NIMAS. No blanket requirement exists for publishers to submit materials to the NIMAC. While the NIMAC can (and does) request source files from publishers on behalf of users, it does not have the authority to require publishers to submit them.
- If an SEA chooses to opt out of the NIMAC, it is required under IDEA to obtain NIMAS source files directly from publishers for the production of accessible formats. Additionally, opting out means the SEA voluntarily forfeits access to thousands of accessible materials produced from files in the NIMAC.

Under IDEA, SEAs must require their LEAs opt in or opt out of coordinating with the NIMAC. It is essential LEAs be informed that if they do not opt into the NIMAC, their students are not eligible to receive accessible materials derived from NIMAS source files. Just like SEAs, LEAs choosing to coordinate with the NIMAC are required, under the legislation, to include language in their instructional materials contracts requiring the publisher to submit NIMAS source files to the NIMAC “on or before delivery of the print instructional material.”

Opting into the NIMAC simply means your agency agrees to use the system established by IDEA to expedite the provision of accessible formats. There are no downsides to opting in. Currently, the NIMAC works with all 50 states and the eligible territories, as well as over 200 educational publishers.

## SEA and LEA Instructional Materials Contract Language

As explained in the NIMAC section above, SEAs and LEAs opting into the NIMAC are required to direct publishers to submit NIMAS source files to the NIMAC as a part of all adoption contracts or purchase agreements for student instructional materials. Further,

the requirement must include a deadline for the submission of NIMAS source files “on or before delivery of the print instructional material.”

While not required under the baseline NIMAS specification, the Office of Special Education and Rehabilitative Services (OSERS) encourages SEAs and LEAs to require publishers to use Mathematical Markup Language (MathML) to tag math content in NIMAS files “to improve the accessibility of mathematical and scientific content in core instructional materials” ([June 2012 Dear Colleague Letter](#)).

Sample NIMAS-specific language that could be included in an SEA or LEA contract/purchase agreement is offered below:

“By agreeing to deliver the materials marked with “NIMAS” on this contract or purchase order, the publisher agrees to prepare and submit on or before [month/day/year] a NIMAS fileset to the NIMAC that complies with the terms and procedures set forth by the National Instructional Materials Access Center (NIMAC) (IDEA Title I, Part D, sec. 674(e)).

The publisher also agrees to mark up materials eligible for NIMAS submission that contain mathematical and scientific instructional content by using the [MathML modular extension of the DAISY/NIMAS Structure Guidelines](#), as posted and maintained at the DAISY Consortium website [refer to the latest applicable version].

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 filesets of the purchased materials to the NIMAC. The files will be used for the production of accessible formats as permitted under the law for eligible students (IDEA Title I, Part B, sec. 612(a)).”

## Authorized Users

Authorized Users are users who have been designated by a **State Coordinator** to have direct access to the NIMAC. Users can either download NIMAS files themselves or assign NIMAS files for download by NIMAC-registered **Accessible Media Producers**.

## State Coordinator

All states and outlying areas working with the NIMAC name a **State Coordinator**. This coordinator is the primary contact for NIMAC in their state. The State Coordinator signs the NIMAC Coordination Agreement and manages the state's Authorized Users. [Find your State NIMAC Coordinator](#).

## Accessible Media Producers

Accessible media producers (AMPs) are organizations or individuals that convert materials, including textbooks and related curriculum materials, to one or more student-ready accessible formats. AMP accounts are freely available and do not require designation by a State Coordinator. Contact the NIMAC at [nimac@aph.org](mailto:nimac@aph.org) for more information.

APH maintains a free, searchable, AMP Database containing information on over 200 agencies and organizations across the U.S. [Search the APH Directory of Accessible Media Producers](#).

Additionally, the National Library Service (NLS) compiles a state directory of producers of accessible formats, specifically audio, braille, and large print. The directory includes information supplied by producers and therefore does not represent every state. [See if the NLS directory of producers includes your state](#).

## Student Eligibility

To receive materials produced from NIMAS, a student must have both an Individualized Education Program (IEP) and a qualifying disability in accordance with the NLS eligibility guidelines.

## Eligible Person

Broadly, IEP teams should consider students who are blind or have low vision, have physical disabilities, or who have specific learning disabilities for the eligibility to receive accessible formats derived from NIMAS files. Criteria for this eligibility is outlined by the National Library Service for the Blind and Print Disabled (NLS) at the Library of Congress as listed below:



- Blind students whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting lenses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- Students whose visual disability, with correction and regardless of optical measurement, is certified by a competent authority as preventing the reading of standard printed material.
- Students certified by a competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- Students certified by a competent authority as having a perceptual or reading disability and unable to read printed works to substantially the same degree as a person without an impairment or disability.

## Competent Authority

Professionals who can certify a student as eligible under the NLS criteria include common representatives of preK-12 school staff:

- Doctors of medicine.
- Doctors of osteopathy.
- Ophthalmologists.
- Optometrists.
- Registered nurses.
- Therapists.
- Professional staff of hospitals, institutions, and public or private welfare agencies, such as an educator, social worker, case worker, counselor, rehabilitation teacher, certified reading specialist, school psychologist, superintendent, or librarian.

## Guidance for the IEP Team

To support IEP teams, NCADEMI developed a supplemental guide to the 2024 assistive technology (AT) guidance, [More to the Myths and Facts: Addressing Accessible Educational Materials in the 2024 Assistive Technology Guidance](#). This supplemental guide provides considerations to a student's need for accessible formats in the IEP development process.

## Summary of SEA and LEA Obligations

Actions are required by SEAs on an annual basis as part of the IDEA Part B State Application.

### SEAs Must Adopt the NIMAS

Annually, adopt NIMAS under the assurances section of the IDEA Part B State Application.

### SEAs Must Opt In or Opt Out of Coordinating with the NIMAC

Annually, opt in or opt out of coordinating with the NIMAC under the assurances section of the IDEA Part B State Application. All SEAs and eligible territories have continuously opted into the NIMAC since its early years

### SEAs that Opt Into the NIMAC Must Direct Publishers to Submit NIMAS Files to the NIMAC

SEAs that opt into the NIMAC are required under IDEA to direct publishers to submit NIMAS source files to the NIMAC as a part of all adoption contracts or purchase agreements for student instructional materials. Further, the requirement must include a deadline for submission of NIMAS files “on or before delivery of the print instructional material.” See [Instructional Material Contract Language](#).

### SEAs that Opt Out of the NIMAC Must Obtain NIMAS Files on Their Own from Publishers

IDEA provides the option for SEAs to opt out of the NIMAC. If an SEA chooses to opt out of the repository, they are required, under IDEA, to obtain NIMAS source files directly from publishers for the production of accessible formats. In addition, “opting out” means the SEA voluntarily forfeits access to thousands of accessible materials produced from source files in the NIMAC.

### SEAs Must Require LEAs to Opt In or Opt Out of the NIMAC

Annually, an SEA requires all its LEAs to opt in or opt out of coordinating with the NIMAC as part of each LEA’s assurances to the SEA for their eligibility to receive IDEA funds. As

explained above, it is essential all LEAs be informed if they do not opt into the NIMAC, their students are not eligible to receive accessible materials derived from NIMAS source files.

## LEAs that Opt Into the NIMAC Must Require Publishers to Submit NIMAS Files to the NIMAC

Just like SEAs, LEAs choosing to coordinate with the NIMAC are required, under IDEA, to include language in their instructional materials contracts requiring the publisher to submit NIMAS source files to the NIMAC “on or before the delivery of the print instructional materials.” See [Instructional Material Contract Language](#).

## For More Information

This policy brief is co-published by the National Center on Accessible Digital Educational Materials & Instruction (NCADEMI) and the National Instructional Materials Access Center (NIMAC). For more information and support, please reach out to either the NIMAC or NCADEMI.

National Instructional Materials Access Center (NIMAC)

- Website: [nimac.us](https://nimac.us)
- Email: [nimac@aph.org](mailto:nimac@aph.org)
- Phone: 502-899-2230 or 877-526-4622

National Center on Accessible Digital Educational Materials & Instruction (NCADEMI)

- Website: [ncademi.org](https://ncademi.org)
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