



State of New Jersey

DEPARTMENT OF EDUCATION
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September 22, 2006

TO: Chief School Administrator
Director of Special Education
Administrator of a State Facility
Administrator of a Charter School
Administrator of an Approved Private School for the Disabled
Administrator of a College-Operated Program
Statewide Special Education Advisory Council
Agencies or Organizations Concerned with Special Education

FROM: Roberta Wohle, Acting Director 
Office of Special Education Programs

SUBJECT: Additional Assurance for the FY 2007 Consolidated Application -
National Instructional Materials Accessibility Standard (NIMAS) and
National Instructional Materials Access Center (NIMAC)

This memo has been sent to provide local school districts with background information regarding a new assurance included in the FY 2007 Consolidated Application. This assurance pertains to the provisions in the 2004 Amendments to the Individuals with Disabilities Education Act (IDEA 2004) regarding the National Instructional Materials Accessibility Standard (NIMAS) and the National Instructional Materials Access Center (NIMAC).

In the recent reauthorization of IDEA 2004, Congress recognized a national need to increase the availability and timely delivery of print instructional materials in accessible formats for blind and other students with print disabilities in elementary and secondary schools. In order to address this need, Congress enacted the **National Instructional Materials Accessibility Standard (NIMAS)** as a standardized means for the preparation of electronic format for those 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 are required by a State Educational Agency (SEA) or Local Educational Agency (LEA) for use by students in the classroom

Congress also established the **National Instructional Materials Access Center (NIMAC)** as a central repository for print instructional materials that have been prepared in accordance with NIMAS. The NIMAC will have an automated system allowing publishers to deposit NIMAS

files within the repository. The NIMAS files will be checked to confirm that they are valid NIMAS, and the files will be cataloged into a web-based database.

Those who have been authorized for access will have user identifications and passwords. These authorized users will be able to search the NIMAC database and download directly the file(s) they need to convert to accessible instructional materials for those students who are in elementary and secondary schools and have qualifying disabilities. The combination of a standard format and a central repository should significantly expedite the time frame in which instructional materials are available.

In keeping with the IDEA 2004 requirement that each state adopt the NIMAS, the department is adopting the NIMAS and providing an assurance to USOSEP that it has done so. In addition, each State Department of Education may choose to "opt-in" or "opt-out" of the NIMAC. After researching our options, the advisability of the State choosing to participate in NIMAC became apparent. Without this participation, the State would not have access to the national repository of converted textbook files. Therefore, New Jersey has provided an assurance to USOSEP that the state will participate in NIMAC.

Each LEA is also responsible for ensuring that each child who requires instructional materials in an alternate format will receive them in a timely manner to allow the child to participate in the curriculum. To meet this obligation, LEAs have the option of participating in NIMAC or ensuring the provision of materials on its own. It is the recommendation of the Department that districts choose to participate in NIMAC, a national repository of instructional materials in alternate formats, which will guarantee timely provision of materials to children. LEAs will process their instructional materials requests through one of the State's "authorized users." The Department will be identifying the authorized users in the near future.

The assurance included in the FY Consolidated Application is modeled after the assurance that the State has provided to USOSEP in its application for Part B funds. Each district will be required to complete the assurance within the EWEG application. The assurance states:

Yes, the district will participate in the National Instructional Materials Access Center (NIMAC)

Or

No, the school district has chosen not to coordinate with the NIMAC, but assures that it will provide accessible instructional materials to students who are blind or have other print disabilities in a timely manner.

For LEAs who choose to participate in NIMAC, contracts executed on and after December 3, 2006 with publishers for textbooks and other printed core materials must include a provision that will require the publisher to produce files for transmission to NIMAC. The publishers have all been involved in discussions relating to NIMAS and are well aware of the requirements. Model language to be used in contracts with publishers is as follows:

“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 the NIMAC at 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 the NIMAC. This is page ____ of ____ of this contract or purchase order.”

Attached is a fact sheet on NIMAS prepared by the United States Department of Education, Office of Special Education Programs (OSEP). In addition, there is a NIMAS technical advice website which provides a detailed explanation of the NIMAS provision and its background. The website is <http://nimas.cast.org/>. For additional information about the NIMAC, please refer to <http://nimac.us>. Additional information regarding the NIMAS and NIMAC requirements will be presented at the county level administrative code training sessions.

Thank you for your attention to this IDEA 2004 requirement.

RW/CK/JW

Attachment

c: Members, State Board of Education

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