

IDEA Regulations

1. Provides definitions related to purchase of and access to instructional materials.

These definitions apply to each State and local educational agency (LEA), whether or not the State or LEA chooses to coordinate with the National Instructional Materials Access Center (NIMAC).

NIMAC's duties are:

- To receive and maintain a catalog of print instructional materials prepared in the NIMAS, as established by the Secretary, made available to such center by the textbook publishing industry, State educational agencies (SEAs), and LEAs.
- To provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the NIMAC may prescribe.
- To develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials. The statute defines "print instructional materials" to be 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 SEA or LEA for use by students in the classroom.

2. Requires the adoption of NIMAS.

States must:

- Adopt the NIMAS, published as appendix C to Part 300, for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after publication of the NIMAS in the Federal Register on July 19, 2006 .
- Establish a State definition of "*timely manner*" for purposes of, if the State is not coordinating with the NIMAC or if the State is coordinating with the NIMAC.

3. Establishes SEA rights and responsibilities.

Nothing shall be construed to require any SEA to coordinate with the NIMAC. If an SEA chooses not to coordinate with the NIMAC, the SEA must provide an assurance to the Secretary that it will provide instructional

materials to blind persons or other persons with print disabilities in a timely manner.

Nothing in this section relieves an SEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats, but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

In order to meet its responsibility to ensure that children with disabilities who need instructional materials in accessible formats are provided those materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.

4. Establishes requirements for the preparation and delivery of files.

If an SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must:

- 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; or
- Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.
- Provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

5. Requires collaboration with State agencies providing assistive technology programs.

In carrying out this section, the SEA, to the maximum extent possible, must work collaboratively with the State agency responsible for assistive technology programs.

6. Establishes responsibilities of LEAs for purchase of instructional materials.

No later than December 3, 2006, an LEA that chooses to coordinate with the NIMAC, when purchasing print instructional materials, must acquire those

instructional materials in the same manner, and subject to the same conditions as an SEA.

Nothing in this section shall be construed to require an LEA to coordinate with the NIMAC.

If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.