Accessible Educational Materials (AEM) and Acquiring AEM from the Appropriate Sources: Instructional Guide

TABLE OF CONTENTS

What is AEM?

Accessible educational materials, or AEM, are print and technology-based educational materials, including printed and electronic textbooks and related core materials that are designed or enhanced in a way that makes them usable across the widest range of learner variability, regardless of format (e.g. print, digital, graphic, audio, video).

The IDEA 2004 Sec. 300.172 Final Regulations require that local education agencies (LEAs) ensure that textbooks and related core instructional materials are provided to students with documented print disabilities in specialized formats in a timely manner, which means "at the same time" that other students receive their print instructional materials. These specialized formats are provided through the ICAM (Indiana Center for Accessible Materials) and the IERC (Indiana Educational Resource Center) to students with a documented print disability. Formats included in the Federal Individuals with Disabilities Education Act (IDEA) are Braille, Audio, Large print, and Digital text. Indiana's Article 7 special education rules additionally includes: Tactile Graphics, Video, Captions and Audio Description. Specialized formats are not alternate formats and must provide the same information as the original material in the general curriculum.

Textbooks and related core materials are defined as: Textbooks are learning materials that were written and published primarily for grades K – 12 instruction and are required by LEAs for use by students in the classroom. Related Core Materials includes workbooks published with textbooks and required supplemental reading. According to the Office of Special Education Programs (OSEP), published means "available for purchase." Textbooks and related core materials published after July 19, 2006 are covered under the NIMAS language in IDEA 2004.

The National Instructional Materials Accessibility Standard became effective on August 18, 2006. If your school is using textbooks and/or supplemental materials produced before that date, they might not be available in NIMAS specific formats. Even for books produced after August 18, 2006, the school corporation **must include an accessible format clause in the corporation's contracts with publishers**. Sample contract language for use with publishers may be copied and pasted and/or modified for placement into contracts with publishers.

AEM - Simply Said Video - A brief video overview of AEM in easy to understand language.

ICAM and AEM Basics - Determining the Need for AEM - A downloadable two-page PDF handout created by the ICAM team.

AEM Determination Process:

Step 1: Identifying a student's need for AEM:

The case conference committee (CCC) must determine whether a student can benefit from specialized formats to access and participate in the general curriculum. **A student's cognitive level should not impede a student's access. A student's cognitive level should neither qualify or disqualify.** The following questions will help guide the discussion.

1. Can the student decode letters/words and read traditionally with fluency at or near grade level?

2. Can the student see the material?

3. Can the student physically manage the material: hold the book, turn the pages, maintain good positioning?

4. Can the student sit upright and stay alert for required time periods with sufficient stamina?

If the answers to the above 4 questions are all "yes", then the student would likely not benefit from AEM, and the team may wish to table the discussion for now. If the answer to any of these 4 questions is "no", then the student may need and benefit from AEM and the following should be considered.

The team must determine that the student requires specialized formats to access the curriculum, based on one or more of the following criteria:

1. Student is blind or has a visual impairment.

2. Student has a physical limitation that impairs his/her ability to access standard print material.

3. Student has a reading disability resulting from organic dysfunction and of sufficient severity to prevent reading standard print in a normal manner.

If the student meets one or more of the above 3 criteria, the team will decide that the student does require specialized formats to access the curriculum and this must be stated in the IEP (Individualized Education Program). This student is then designated as Chafee qualified. The Chafee law, essentially prescribes that individuals with documented print disabilities do not have to seek permission from publishers to reproduce materials in specialized formats. Essentially, it is an exception to copyright law for qualifying students. If documentation exists of a print disability issued by a competent authority, permission is granted. "Chafee" refers to Public Law 104-197, introduced by Senator John H. Chafee of Rhode Island, in July 1996.

Next, the team will complete [ICAM/NIMAS Form 4: Eligibility and certification for specialized formats of print instructional materials](#).

- If the student qualifies due to a visual impairment or physical limitation, then the ICAM/NIMAS Form 4: Eligibility and certification for specialized formats of print instructional materials can be completed and signed at this time by a competent authority.

- If the student is qualified due to a reading disability, then Form 4 will need to be signed by a competent authority, in order to receive specialized formats derived from NIMAS files.

There might be a case when the student meets one or more of the above criteria, and the team decides the student <u>does</u> require specialized formats to access the curriculum, but they are not eligible for Chafee specified services. However, the Case Conference Committee has determined the student requires specialized formats of instructional materials in order to access and progress appropriately in the curriculum. In this event, the LEA (Local Education Agency) **is still obligated** to provide the specialized format(s) of print instructional materials to the student in a timely manner. **[Please contact the ICAM for guidance.](#)**

In addition to the ICAM**,** [The National Center on Accessible Educational Materials](#) provides resources and technical assistance for educators, parents, students, publishers, conversion houses, accessible media producers, and others interested in learning more about AEM and implementing AEM and the National Instructional Materials Accessibility Standard (NIMAS). They have created [The AEM Navigator](#), which is an online tool that guides the work of a collaborative team as they determine the AEM related needs of individual students. Feel free to use this tool to help navigate through this process.

Step 2 Selection of AEM:

Once the team has determined that a student requires AEM, and the ICAM/NIMAS Form 4 has been finalized, a case conference (CC) needs to be held to decide upon the specialized format(s) that will best meet the student's needs.

The CCC will complete ICAM/NIMAS Form 1: Special consideration factor: Need for accessible formats of print instructional materials, ICAM/NIMAS Forms 2: Determination of Specialized Formats, and ICAM/NIMAS Form 3A: ICAM add/update student.

The CCC will update the student's IEP:

- Select "Yes" for Accessible Materials under the Provisions tab.

- Provide a description in the box about the environments, tasks, tools, and services related to the student's provisions and **include** [JF5] the accessible formats chosen: large print, digital text, audio, and/or Braille.

The Teacher of Record (TOR) will upload completed ICAM/NIMAS Forms 1, 2, 3A, and 4 into the student's IEP, and then contact the school corporation's Digital Rights Manager/s (DRM) to inform them of the new student request for AEM. The DRM is now able to register the student through the **ICAM/IERC online student registration system**. The DRM will need to access Form 3A from the student's IEP to complete the student registration.

DRM Guidance

Once a determination has been made that the student needs and qualifies for AEM and the team has determined the proper formats, then the school corporation will need to initiate steps to acquire specialized formats in a timely manner. The first step is to ensure that your school corporation has an active Digital Rights Manager (DRM) to register or approve student registrations and materials orders. DRMs are appointed by the school Superintendent or his/her designee. The Indiana Department Of Education (IDOE) directs Superintendents (or her/his designee) of each public school corporation to appoint up to five (5) Digital Rights Managers (DRMs) to support the National Instructional Materials Accessibility Standard (NIMAS) Regulations of the IDEA 2004, for the schools they serve; every charter school may appoint three (3) DRM's. Please consider having five (5) DRM's for your school corporation no matter what the size of the corporation, or the number of students currently identified with some type of print disability. Personnel changes and many other factors may leave a school corporation without a properly trained DRM who is ready to provide the required services within a timely manner.

Remember that scientific, documented, replicated research tells us that 1 in 5 individuals have dyslexia. There is a good chance that there are children in your corporation with this specific learning disability who are not being adequately identified and served. For further resources on dyslexia, please visit DRM Resources.

It is better to have trained, active DRMs in your school corporation who may never be called on to fulfill their role than it is for your school to be in another scenario: that of having no trained and active DRMs to meet the needs of students. Please be aware that lawsuits have come about due to a school's non-compliance with the NIMAS regulations.

DRMs are responsible for:

- Protecting the copyrighted materials including the contents of the NIMAS file sets

- Assuring compliance with items in the ICAM Limited Users Agreement, which they will agree to each time they log into the ICAM Ordering System

- Managing the confidential student information that may be shared between the DRM and the TOR

- Confirming documentation is provided by a certified competent authority on the determination of print disabilities

- Registering students and/or teachers in the ICAM ordering interface

- Placing requests for materials

- Tracking and managing the delivery of services

- Communicating with educators concerning the provision of AEM

- Other responsibilities that may arise pertaining to those listed

As you consider your team of DRMs, please include staff from various roles. An efficient DRM team might include special educators for students with learning disabilities and visual impairments, a general educator, someone from the technology department who can assist others with digital downloads, and perhaps a Reading Specialist, Speech Language Pathologist, Occupational Therapist, or other special service area provider. Often a superintendent will appoint a designee such as the special education director, or the building principal, to select DRMs, and that is acceptable.

To register a new DRM, a superintendent, or that superintendent's designee, needs to complete the Indiana Center for Accessible Materials - DRM Addition and Deletion form. It is also important to remove any DRMs who are no longer in service by filling out the Remove DRM section at the bottom of the same form.

Once a DRM has been registered, they can begin registering students and ordering materials. We have put together a [step-by-step guide to assist new DRMs](#) in these processes. We also have a step-by-step guide written for teachers who have been added by DRMs so they can add students and order specialized formats of materials.

Step 3 Acquisition of AEM:

The CCC will complete the [ICAM/NIMAS Form 3B: ICAM ordering form](#), so the student can acquire the appropriate AEM. Every textbook and/or required reading being used in each class needs to be included on Form 3B. If a student requires AEM, then he/she might need it for every class period.

If the student is identified as a student with blindness or a visual impairment [ICAM/NIMAS Form 3C: ICAM Add/update student](#) will be completed at this time by the DRM.

The TOR will upload ICAM/NIMAS Forms 3B and/or 3C into the student's IEP, and then contact a DRM to inform them that Form 3B and/or 3C has been uploaded into the student's IEP. The TOR should also consider what type of device(s) the student will be using with the specialized formats (i.e. Windows computer, MAC computer, Chromebook, iPad, etc.), so the correct format is chosen. The ICAM can assist with this decision.

The DRM is now able to order books for the student through the ICAM/IERC On-line system. The DRM will need to access Form(s) 3B and/or 3C from the student's IEP to complete the order.

All textbook orders for Braille and Large Print for the upcoming school year should be ordered by April 15 of the current school year if possible. Order all textbooks titles you know that the student will require. It often takes a minimum of 4 months for new braille transcriptions and 3 months for production of large print/accessible files, sometimes longer during the summer peak order season. Orders for audio and digital orders are usually processed within one business day.

Digital orders will be sent via email to the DRM. Currently, these files are locked and must be unlocked before they can be used. The file must be unlocked by the DRM within 15 days after receiving the email. The Digital Download Client must be installed to unlock the files. PATINS has created a short tutorial on how to complete this step: [How to use the Digital Download Client.](#) Now you are ready to schedule a time to teach both the student and TOR the process of loading the files onto the necessary devices. We have created an [ePub Resources](#) page which shares resources on how to load ePubs onto different devices.

Step 4 Revisit and Revise Use of AEM:

The CCC will complete the last question on Form 2 at the end of each school year.

- Did the use of specialized instructional materials benefit the student? If yes, please indicate how the accessible/specialized instructional materials benefited the student. This will determine whether AEM is needed for the following school year.

Determining the Need for Accessible Educational Materials (AEM) and Acquiring AEM from the Appropriate Sources: Checklist

To be completed prior to or during the case conference:

- ❏ NIMAS Form 1 is completed by the CCC (Case Conference Committee)

- ❏ NIMAS Form 2 is completed by the CCC

- ❏ NIMAS Form 3A is completed by the CCC

- ❏ NIMAS Form 4 is addressed by the CCC.

- ❏ Students with a visual impairment and/or physical limitations will need this form signed by a Competent Authority. For students with a visual impairment or Physical Disabilities, the following are considered a Competent Authority: Doctors of Medicine, Doctors of Osteopathy, ophthalmologists, optometrists, registered nurses, therapists, and professional staff of hospitals, institutions, and public or welfare agencies, e.g. social workers, counselors, rehabilitation teachers, and superintendents. For students with a reading disability from organic dysfunction, a Competent Authority is considered to be Doctors of Medicine or Doctors of Osteopathy, who may consult with colleagues in associated disciplines, e.g. Special or General Education Teachers, SLPs, OTs, and/or Reading Specialists. or a physician for a student with a reading disability.

- ❏ A description is included in the Accessible Materials box about the environments, tasks, tools, and services related to the student's provisions. Include the accessible formats chosen: large print, digital text, audio, and/or Braille in the student's IEP.

In compliance with the Timely Manner clause, these items should be completed as soon as possible after the case conference:

- ❏ Teacher of record (TOR) uploads completed NIMAS Forms 1, 2, 3A, and 4 into the student's IEP

- ❏ TOR notifies Digital Rights Manager (DRM) of the new student request for AEM

- ❏ DRM completes the ICAM/IERC online student registration

- ❏ DRM uploads the ICAM/IERC Student Registration Form into the student's IEP

- ❏ DRM notifies TOR once the student is registered

- ❏ NIMAS Form 3B and/or 3C (if blind or visually impaired) is completed by TOR

- ❏ TOR uploads completed NIMAS Forms 3B and/or 3C into the student's IEP

❏ TOR notifies the DRM and provides them with the type of device the student will be using and that they are ready for the accessible educational material (AEM) to be ordered

❏ DRM completes the ICAM/IERC AEM order

After receiving the order:

❏ If the file is a Digital Download file, then the file must be unlocked by the DRM within 15 days after ordering

❏ Teach student and TOR the process of loading the files onto the necessary devices

End of the school year:

❏ TOR completes the last question on Form 2, if the student benefited from the use of AEM during the school year continue to the next checkbox

❏ TOR completes a new Form 3B and/or 3C for the upcoming school year

❏ TOR uploads Form 3B and/or 3C into the student's IEP

❏ TOR notifies the DRM about the new student order Form

❏ DRM completes the ICAM/IERC AEM order before leaving for summer break

Start of the school year:

❏ AEM arrives and is loaded onto the student's device

When AEM is added during the school year, the TOR and DRM will follow this same process.

Technical Assistance, Support, & Training:

[Indiana Center for Accessible Materials](#)

Daniel McNulty
PATINS/ICAM State Project Director
Phone: (574) 214-7065
Email: dmcnulty@patinsproject.org

Jeff Bond
ICAM Technology Specialist
Phone: (317) 789-1682
Email: jbond@patinsproject.org

Martha Hammond
ICAM DRM Services Specialist
Phone: (317) 986-2347
Email: mhammond@patinsproject.org

Sandy Stabenfeldt
ICAM Digital Services Specialist
Phone: (317) 986-2349
Email: sstabenfeldt@patinsproject.org

[Indiana Educational Resource Center](#)

Leslie Durst
IERC Director
Phone: (317) 554-2740
Email: ldurst@isbvik12.org

Martha LaBounty
IERC Librarian
Phone: (317) 554-2740
Email: mlabounty@isbvik12.org

Betsy Scott
IERC Braille Project Manager
Phone: (317) 554-2740
Email: bscott@isbvik12.org

If you have additional questions about AEM or would like to request training, please fill out this [Accessible Educational Materials Consultation Form](#). A member of the PATINS/ICAM staff will respond to your request promptly!

PATINSPROJECT.ORG