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DPS: 2010-70
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Technical Assistance Paper
Accessible Instructional Materials

Questions and Answers

Summary:

This technical assistance paper is designed to assist school districts in providing access in a timely manner to accessible instructional materials, an inherent component of the provision of a free and appropriate public education under the Individuals with Disabilities Education Act of 2004 for students with disabilities (section 300.210(b)(3) of Title 34, Code of Federal Regulations). Students with disabilities who have difficulty reading and accessing standard print learning material require accessible instructional materials to participate in and make progress in the general curriculum. The individual educational plan team is responsible for determining if a student needs accessible instructional materials, the format of such materials and the necessary related accommodations the student may need to participate in the general curriculum.

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A. Purpose and Definitions

A-1. What is the purpose of this technical assistance paper (TAP)?

This TAP is designed to assist the individual educational plan (IEP) team in identifying instructional materials that need to be made accessible; identifying procedures for determining if a student with a disability requires accessible instructional materials (AIM); and providing information on available resources and supports. Students with disabilities who have difficulty accessing standard print effectively require AIM to participate and progress in the general curriculum. Providing AIM is an inherent component of the provision of a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act of 2004 (IDEA) for students with disabilities (section 300.210(b)(3) of Title 34, Code of Federal Regulations [CFR]). The IEP team is responsible for determining if a student needs AIM, the format of such materials and the necessary related accommodations the student may need to access standards-based instruction.

A-2. What are instructional materials?

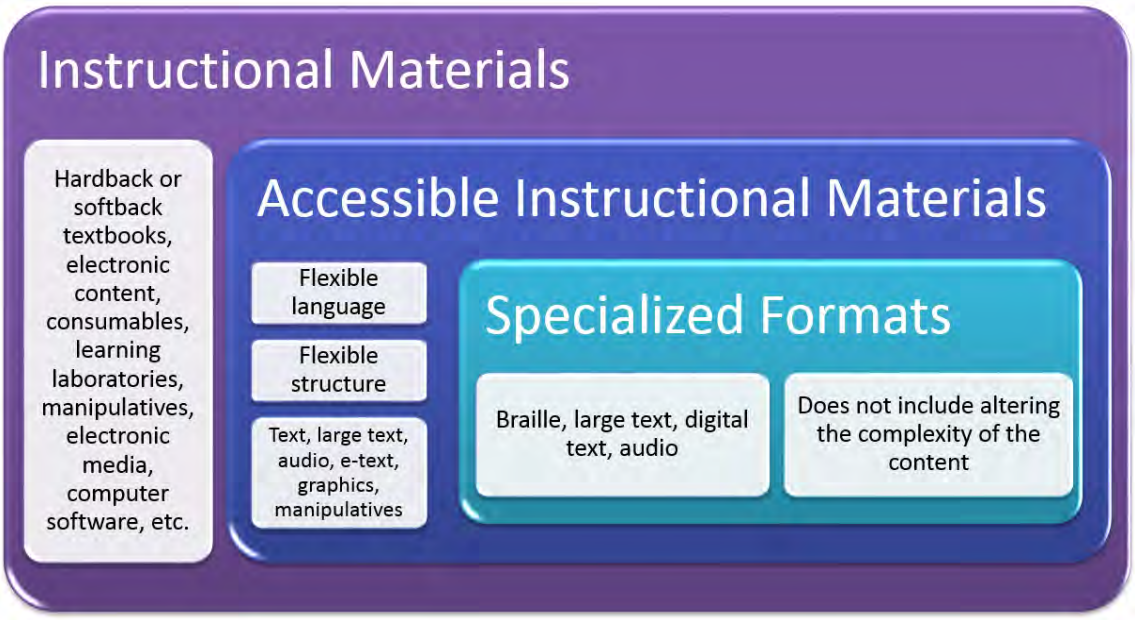
Section 1006.29, Florida Statutes (F.S.), defines instructional materials as "items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course." The statute further specifies that such items may be available in bound, unbound, kit or package form and may consist of hardback or softback textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Instructional materials are for use in elementary and secondary school instruction and are adopted by the Florida Department of Education or the school district for classroom use.

All instructional materials provided by schools to enable students to achieve grade-level standards in the core courses should be available in the formats needed by students with disabilities. This includes reference and supplemental materials that are made available by districts to all students to support academic progress, as well as electronically and digitally formatted instructional materials.

Section 1006.29(3)(a), F.S., defines electronic format as "text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists."

Additionally, s. 1006.29(3)(b), F.S., defines digital format as "text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations and virtual reality; and that has the ability to be accessed at anytime and anywhere."

Some entities use the term “accessible educational materials.” For the purposes of this TAP, the term “AIM” will be used. See the following chart for guidance on how AIM fit within the provision of instructional materials:



A-3. What are AIM?

AIM are instructional materials, including print instructional materials, that have been formatted or adapted to meet the individual needs of students with disabilities. Examples include restructured print, braille, large print, digital text (or e-text), audio, graphic-enhanced or symbolated text, captioned videos, images, tactile graphics, and manipulatives. How AIM are provided to students should be based on student needs using evaluations of how the student’s disability affects involvement and progress in the mastery of Florida standards. A statement summarizing this should be present in the student’s IEP. Based on this IEP statement, the identification of appropriate AIM may involve a review of the student’s language and reading level, an assessment of how the information is structured or organized, and consideration of how the information is presented (visual, auditory or tactile).

Research in the development of mathematics and science skills emphasizes the importance of math and science manipulatives, especially when using concrete, pictorial and virtual manipulatives (Cope, 2015). When using these types of instructional materials, special attention should be paid to the accessibility needs of students with physical and visual disabilities.

As districts move to a digital curriculum and replace traditional textbooks with online books, electronic media, multimedia, computer software, mobile devices and learning laboratories, additional accessibility assessments may be needed. Such assessments will help to identify the appropriate formats, features and accommodations needed to ensure these instructional materials meet the individual needs of students with disabilities.

A-4. What are "specialized formats"?

Specialized formats [34 CFR §300.172(e)(1)(iv)] are a subset of AIM that refer to braille, large print, audio or digital text used by people who are blind or have other print disabilities. In this context, specialized formats do not include altering the content (i.e., the complexity) of the print instructional material.

A-5. When should AIM be provided to students?

Timely access to appropriate and accessible instructional materials is an inherent component of a school district's obligation under IDEA to ensure that FAPE is made available to students with disabilities, and that, in accordance with IEPs, students have access to standards-based instruction. As such,

> "… the SEA [State Educational Agency] 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." [34 CFR §300.172(b)(4)]

A-6. What is a digital rights manager (DRM)?

School districts are responsible for identifying DRMs. DRMs assist districts and schools in providing timely access to AIM as required by IDEA. Each district is responsible for appointing at least one primary DRM and up to six additional DRMs who will then be authorized to register qualifying students with disabilities and order materials via the web-based online database housed with the Florida Instructional Materials Center for the Visually Impaired (FIMC-VI). A DRM is also responsible for sharing with teachers alternative resources for securing AIM. Resources are to be shared with all teachers of exceptional students with qualifying disabilities, including students with visual impairment, specific learning disabilities (including dyslexia) and physical impairments. Such resources include state-funded initiatives, like Learning Ally—Learning Through Listening (see question D-2 for more information) and federally funded initiatives, like Bookshare (see question D-1 for more information).

B. AIM and the IEP

B-1. Why are AIM important?

IDEA supports the rights of students with disabilities to access, participate in and progress in standards-based instruction. AIM are needed to provide effective participation in instruction as well as flexible assessment tools that accurately measure the skill development of students with disabilities.

The following are examples of students who may benefit from accessible materials and the ways in which they may benefit:

- Students who cannot decode text and who have language-related disabilities but who have shown improvement in fluency using text-to-speech;
- Students with attention, organizational or learning disabilities who have shown improved academic gains with visual mapping supports, such as concept mapping;
- Students who cannot hold a printed book or turn the pages but who benefit from digital books where the pages can be "turned" by a switch or key press;
- Students who are deaf or hard of hearing who have demonstrated academic gains with sequential text highlighting and captioning;
- Students who are blind or visually impaired who benefit from digital text that can be enlarged, displayed with high contrast, converted to braille, used by refreshable braille displays or converted to audio (Stahl, 2004).

B-2. For which courses would AIM be appropriate?

AIM should be considered for all courses offered to students, including career and technical education and all other electives. According to a Dear Colleague letter issued on May 26, 2011, by the United States Department of Education (USDOE), Office for Civil Rights, " … schools at all levels must ensure equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of technology for all students, including students with disabilities." Additionally, in the Frequently Asked Questions document that accompanied this letter, USDOE goes on to add,

> "… equal opportunity, equal treatment and the obligation to make accommodations or modifications to avoid disability-based discrimination – also apply to elementary and secondary schools under the general nondiscrimination provisions in Section 504 and the American with Disabilities Act. The application of these principles to elementary and secondary schools is also supported by the requirement to provide a free and appropriate public education (FAPE) to students with disabilities."

To access the letter and Frequently Asked Questions document, visit the following website: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-ese.pdf.

B-3. What role does universal design for learning (UDL) have in determining appropriate and accessible instructional materials?

Universal design, as used in IDEA 2004 and in the Every Student Succeeds Act of 2015 (ESSA), is based on the definition found in section 103 of the Higher Education Act of 1965 (29 U.S.C. §3002):

> "The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies."

UDL provides a framework schools can use to identify products, services and technologies that may assist in quick adaptations of instructional materials. By using this framework, schools can meet a student's unique needs. For example, students may use software to quickly change the size of digital text, or they may use text-to-speech tools so the text can be read aloud; they may employ tools to restructure the text, and (depending on the program) open and use a variety of text formats, including Digital Accessible Information System (DAISY), National Instructional Materials Accessibility Standard (NIMAS), portable document format (PDF), text and web pages. Tools of this nature address a wide variety of accessibility needs. The 2016 National Educational Technology Plan, developed by USDOE's Office of Educational Technology, further outlines the following three main principles that provide the framework for the application of UDL (for more information, visit http://tech.ed.gov/netp/):

- **Provide multiple means of representation so that students can approach information in more than one way.** Examples include digital books, specialized software and websites, and screen readers that include features such as text-to-speech, changeable color contrast, alterable text size or selection of different reading levels.
- **Provide multiple means of expression so that all students can demonstrate and express what they know.** Examples include providing options in how students express their learning, where appropriate, such as using writing, online concept mapping or using speech-to-text programs.
- **Provide multiple means of engagement to stimulate interest in and motivation for learning.** Examples include providing options among several different learning activities or within instructional content for acquiring a particular competency or skill and providing opportunities for increased collaboration or scaffolding.

ESSA requires the use of UDL in the design and improvement of all state assessments, including alternate assessments (section 1201), comprehensive literacy instruction (section 2221) and when using technology to support the learning needs of all students, including students with disabilities and English language learners (section 4104). The principles of UDL can assist by providing a larger framework through the use of these three guiding principles in the provision of AIM for students with specific learning challenges.

The full text of ESSA can be found at the following website: https://www.gpo.gov/fdsys/pkg/BILLS-114s1177enr/pdf/BILLS-114s1177enr.pdf.

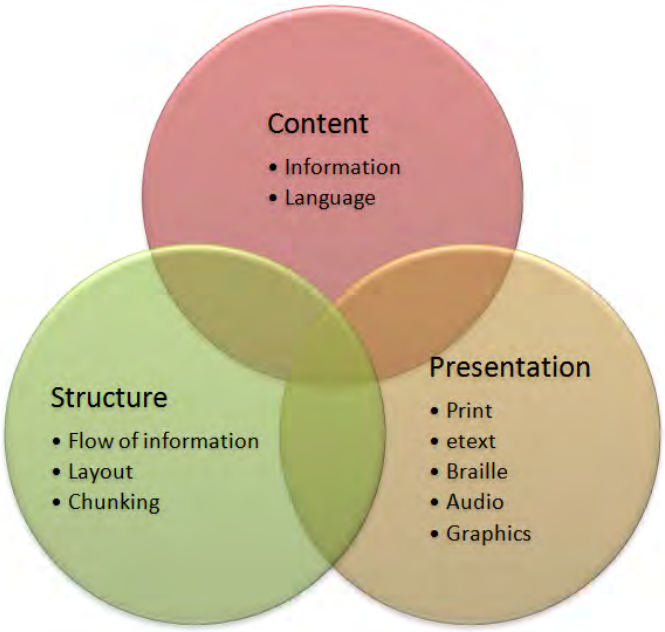
B-4. How does the IEP team determine the need for, and format of, AIM for a student?

As a part of developing the student's present levels of academic achievement and functional performance, as required by 34 CFR §300.320, an IEP team determines if the student requires assistance to effectively use or interact with typical instructional materials.

Methods to gather data to support this process include using learning media assessments, informal reading inventories, current levels of performance, medical diagnoses and reviewing assistive technology assessments. If the IEP team determines that there is a

need for AIM, the relevant IEP team members working with the student should make recommendations to the IEP team on appropriate accessible formats and features.

The following graphic displays the three aspects of instructional materials (see graphic below) that the IEP team may consider when determining what appropriate and accessible instructional materials a student needs:



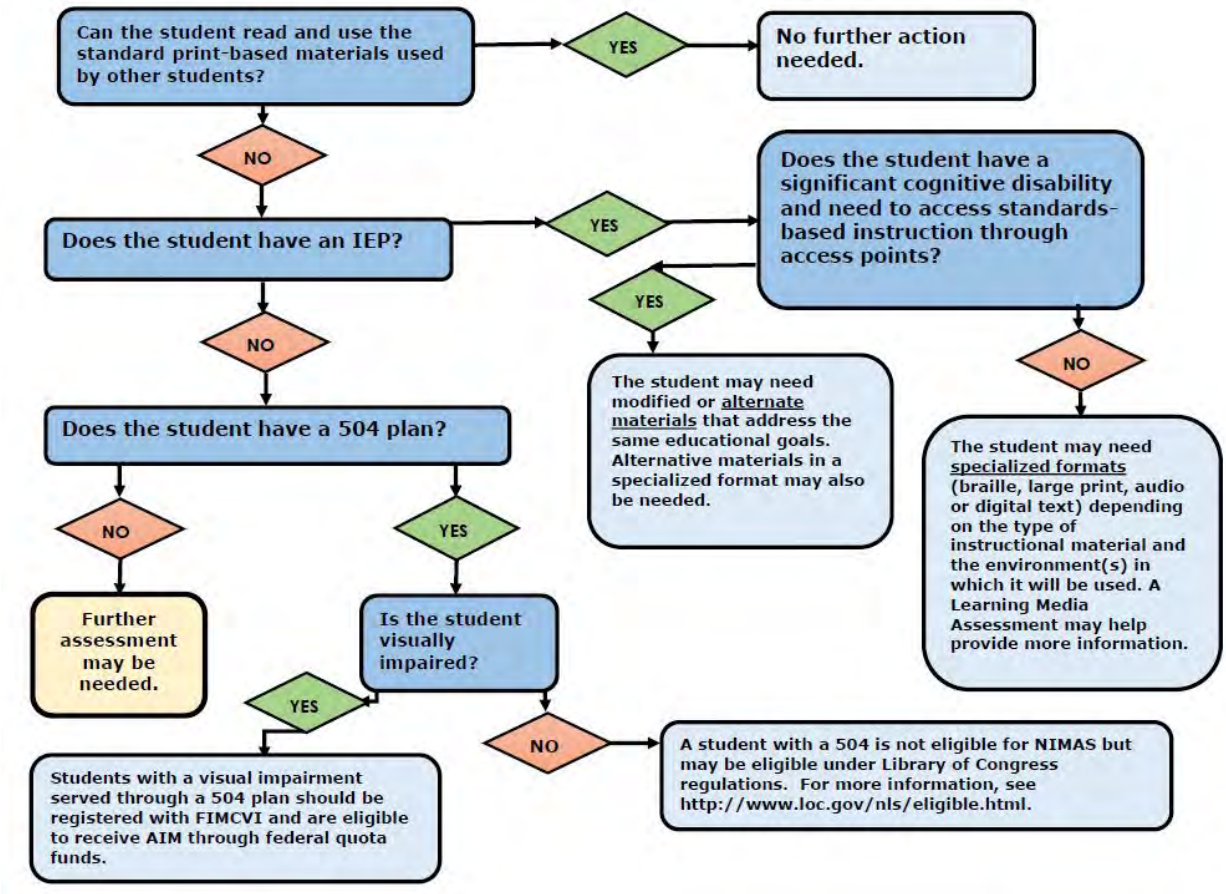
- **Content:** Is the information and language appropriate and understandable for this student? This may include an evaluation of the grade level of the reading material. It can also include accommodations that take into consideration the primary language of a student when English is a second language.
- **Structure:** Is the flow of information appropriate for this student? Some students may be unable to handle large chapters of text successfully and may need to work with the information in smaller chunks or in an outline. This may include adapting the layout of the information.
- **Presentation:** Is the sensory aspect of the format appropriate for this student? Does the student need an audio file, larger print, braille, tactile graphics, captioned video, graphic-enhanced text, colored overlays or other alteration in how the instructional content is being presented?

Parents and students should always be included in making decisions about AIM; however, the following are some examples of other individuals who may also be included in this process:

- For students with a physical disability—a physical therapist, occupational therapist, teacher and assistive technology specialist may work together to identify appropriate digital books and computer switch control systems or alternative keyboards.

- For students with autism spectrum disorder, a learning disability or an intellectual disability—a teacher, learning resource specialist and assistive technology specialist may work together to identify appropriate digital books and related accommodations, such as text-to-speech tools to read the books aloud, graphic-enhanced or symbolated text, or other method.
- For students with a sensory disability (e.g., vision or hearing)—a teacher of the visually impaired or of students who are deaf or hard of hearing, learning resource specialist, assistive technology specialist and medical professional may work together to identify the appropriate format, such as braille, large print, audio, captioning, video sign supported or other appropriate format.

It is important to note that the process of determining if a student requires AIM should be used for students both with and without disabilities. The following flow chart describes a possible process that may assist in making this determination:



B-5. What information related to AIM is documented in the IEP?

Access to AIM is an inherent component of a local educational agency's (LEA) obligation under IDEA to ensure that FAPE is available for all children with disabilities. Based on the IEP's statement of how a student's disability affects the student's

involvement and progress in the general education curriculum, the IEP team is encouraged to specify the following for both instructional and assessment materials:

- The specific formats, features and related accommodations to be provided (e.g., digital text, large print, braille, audio and text-to-speech);
- The services and assistive technology the student needs to use the accessible materials;
- Whether the student meets the eligibility criteria for other state or federally supported providers of AIM (see section D);
- Whether the student has a recognized print disability under NIMAS (for information on print disabilities and NIMAS services available to Florida schools and students, see section D);
- Whether the format is required to be used in the student's home or in another setting, in addition to the classroom; and
- The time required to train the student, support staff, teachers and family in order for AIM to be utilized effectively.

B-6. Are students with disabilities who have Section 504 plans also eligible for AIM?

School districts are required to provide FAPE for these students, in accordance with Section 504 of the Rehabilitation Act of 1973. A student with a Section 504 plan that documents the need for AIM must receive them as a provision of FAPE as outlined in 29 U.S.C. §794 (Section 504).

C. Obtaining AIM for Students

C-1. Are publishers of instructional materials required to create AIM?

According to s. 1006.29(3), F.S., beginning in the 2015-2016 school year, all adopted instructional materials for students in kindergarten through Grade 12 must be provided by the publisher in an electronic or digital format. Since these materials must be accessible to all students, the publisher is instructed to complete and submit the State of Florida "Instructional Materials Universal Design for Learning (UDL) Questionnaire" (Form IM12), which is reviewed at the beginning of the evaluation process by those identified as state instructional materials reviewers pursuant to the requirements specified in s. 1006.34, F.S., and Rule 6A-7.0710, Florida Administrative Code. More information about state policies and procedures for the Florida instructional materials adoption process is available at the following website: http://www.fldoe.org/core/fileparse.php/5574/urlt/PoliciesandProceduresSpecifications.pdf.

C-2. How can an LEA assure that adopted instructional materials are accessible to all students?

The National Center on Accessible Educational Materials created the Purchase Accessible Learning Materials (PALM) initiative. The PALM initiative offers guidance for LEA purchasing agents regarding the purchase order and contract language. Districts must review materials considered for adoption to ensure all materials purchased are fully

accessible; they must include accessibility in the contract language; and they must incorporate accessibility into their policies and procedures. Because the state adoption of educational materials has within the established policies and procedures a required element evaluating the accessibility of instructional materials, utilizing instructional materials that have gone through the state adoption process can also assist LEAs in the provision of AIM.

C-3. How do districts acquire AIM for students with disabilities if they find current materials do not meet students' needs?

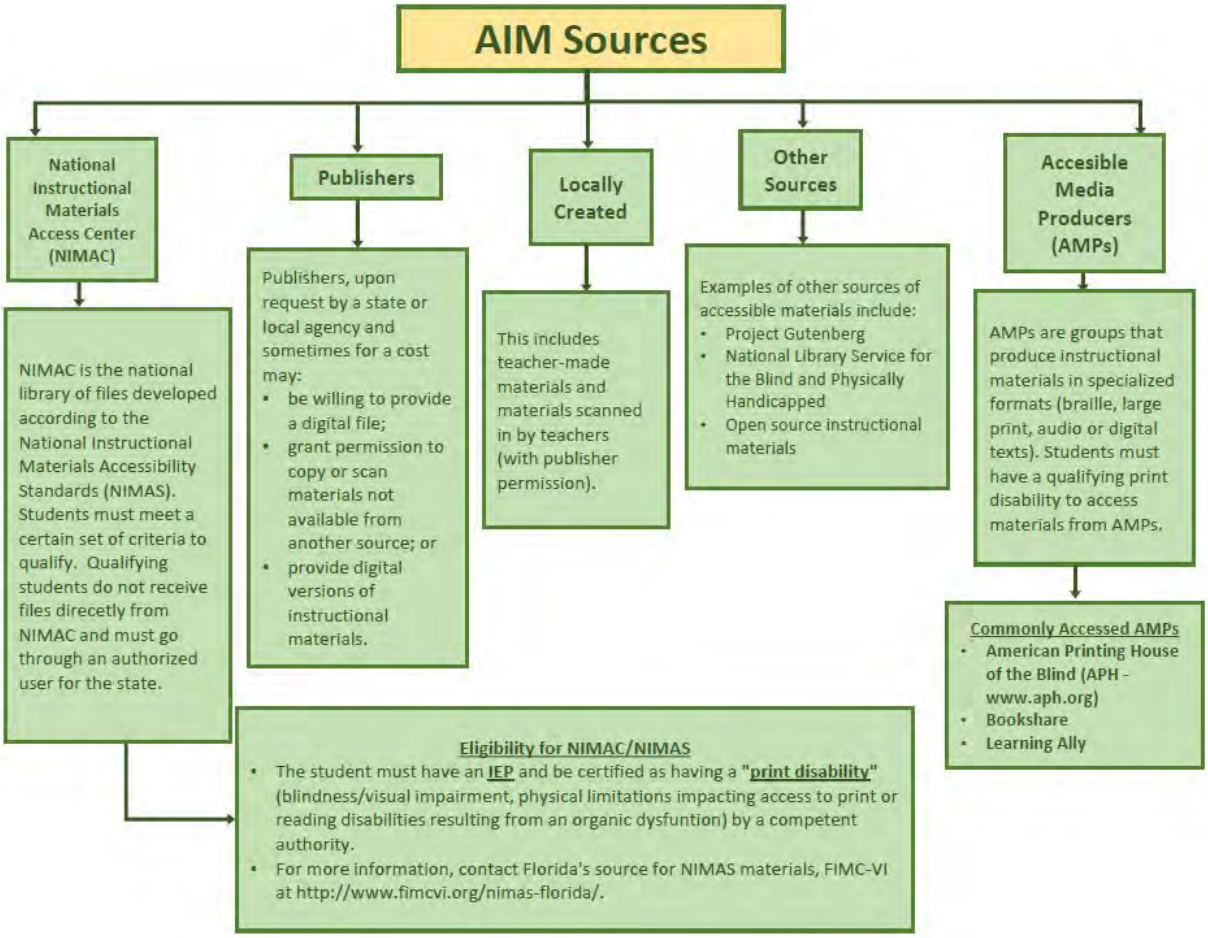
There are a variety of resources to assist with acquiring AIM. Districts can choose to require publishers of instructional materials to make flexible digital versions (e.g., unlocked PDFs) of all purchased instructional materials.

To meet the needs of students with disabilities, districts may also reproduce instructional materials that were adopted through state or district processes. Section 1006.38(15), F.S., states the following:

> "Publishers and manufacturers of instructional materials, or their representatives, shall: Grant, without prior written request, for any copyright held by the publisher or its agencies, automatic permission to the department or its agencies for the reproduction of instructional materials and supplemental materials in Braille, large print or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials."

Districts may also locate free resources. Some of these include digital audio books or HTML-based textbooks from the publishers, printed materials scanned into digital format, online libraries (such as the Florida Electronic Library at http://www.flelibrary.org/), web-based instructional materials, and school-based materials. There are additional resources for students who meet certain vendor eligibilities. The chart on the following page contains information gathered from a 2010 booklet published by the Parent Advocacy Coalition for Educational Rights Center and the National Center on Accessible Instructional Material and may offer additional information on sources of AIM.

District-appointed DRMs can also assist districts with the acquisition of AIM. For students with print disabilities that are registered with FIMC-VI or NIMAS/FL who require access to digital books, authorized NIMAS users, including DRMs or teachers of the visually impaired, should first check the Bookshare or Learning Ally website to determine if the book is available. If the book is not available in the requested format, the authorized user or the DRM should submit a special order request on the FIMC-VI online ordering system. Upon receiving this request, FIMC-VI will "authorize" Bookshare or Learning Ally to convert the book to digital format. Once the book has been formatted and is available for download, FIMC-VI will notify the authorized teacher or DRM.



C-4. How do DRMs assist with the acquisition of AIM?

DRMs should have an understanding of the formats available for the AIM adopted by the district. DRMs stay abreast of the criteria students must meet to acquire the instructional materials made available through vendors. The DRMs can procure specialized materials for students who meet the vendor criteria.

D. AIM Vendors

D-1. How does a student qualify to access files from Bookshare?

Bookshare (http://www.bookshare.org/) is a vendor that has received federal funds to provide accessible materials to qualifying students at no cost. Available formats include digital text, text-to-speech options, DAISY books and braille digital format (or braille-ready format). Bookshare offers a web-based program for access to materials via computer as well as a variety of software applications for mobile devices. Among other options, books can be listened to, read with highlights, read and listened to with highlights, or read in braille or with enlarged fonts. More information on identifying which students qualify for Bookshare can be found at https://www.bookshare.org/cms/bookshare-me/who-qualifies.

D-2. How does a student qualify to access files from Learning Ally?

Learning Ally (https://learningally.org/florida/) is a state-supported project that receives funds from the state of Florida to produce Florida-adopted audio books; provide training to district staff, students and parents; and provide student memberships. More information on student qualifications for accessing Learning Ally resources can be found at https://go.learningally.org/about-learning-ally/what-we-do/help-learning-disabilities/who-qualifies/.

D-3. How does a student qualify to access files from National Instructional Materials Access Center (NIMAC)?

NIMAC is a federally funded, national electronic file repository that provides specialized formats (e.g., braille, large print, digital text and audio) at no cost to qualifying students. The FIMC-VI assists district DRMs in the registration of students and the procurement of NIMAS files from NIMAC. More information on eligibility requirements can be found at the following websites: http://aem.cast.org/policies/nimas-faq.html and http://www.nimac.us/teachers-faq/.

D-4. Are students with disabilities that have Section 504 plans also eligible for AIM from vendors?

Although students with a Section 504 plan are not eligible for materials derived from NIMAS files, as NIMAS is an IDEA provision, these students may be eligible for AIM from other sources.

For example, students with Section 504 plans who are visually impaired should be registered with FIMC-VI so that they can receive AIM, as students with visual impairments may be eligible for federal quota funds.

Students with Section 504 plans may also be eligible for AIM from vendors under "An Act to Provide Books for the Adult Blind of 1931" and its amendments. Resources such as the National Library Service for the Blind and Physically Handicapped, Bookshare, and Learning Ally may be used for these students. More information about eligibility can be found at the National Library Service's website at http://www.loc.gov/nls/eligible.html.

Appendix A: Resources

The following are resources that are available to provide assistance to IEP teams in the determination and identification of appropriate AIM:

- The Florida Diagnostic and Learning Resources System (FDLRS) provides assistance in the appropriate use of a variety of technologies for students, teachers, professional staff and parents. FDLRS similarly provides support for AIM/NIMAS, Florida services. The technology specialists at all of the 19 local FDLRS associate centers plan and coordinate support activities for building local capacity and implementing AIM. They collaborate with the multi-tiered system of supports (MTSS) technology, the learning regional technology specialists and with district-based assistive technology specialists. FDLRS also collaborates with and supports school-based problem-solving teams, MTSS teams and IEP teams to facilitate local consideration of AIM. FDLRS disseminates state- and region-developed digital and print resources on AIM. The FDLRS associate center technology specialists provide professional development activities that target AIM/NIMAS and support district DRMs in the acquisition and classroom integration of AIM. FDLRS human resource development specialists also conduct professional development on writing quality IEPs and facilitating effective IEPs, both of which require the IEP team to make collaborative decisions on the most appropriate accommodations, including AIM. For additional information, please contact your local FDLRS associate center at http://www.fdlrs.org/.

- The problem-solving and response to intervention, technology and learning connections team develops and provides products, training and technical assistance to support IEP teams in the consideration of AIM. An AIM assessment and IEP discussion guide (http://www.tlc-mtss.com/assets/aim-assessment-planning-form.pdf) and an Instructional Materials Learning Supports Rating Scale (http://www.tlc-mtss.com/assets/rating-table-resources-survey.pdf) are available to help IEP teams target accessibility needs. Technologies needed to support AIM can be checked out by approved patrons from the online Assistive Technology & Universal Design for Learning Loan Library (http://www.at-udl.net/) and used by IEP team members for AIM assessments. The Accessible Educational Materials Best Practices Cohort (http://aem-florida.wikispaces.com/) provides technical assistance in the use of AIM and related data collection. Professional development is provided through state and regional events (http://events.tlc-mtss.com/tlc.mtss/pinboard). Support is provided by a statewide network of assistive technology professionals (e.g., local assistive technology specialist, regional-local assistive technology specialist and FDLRS technology staff) in the assessment and use of AIM in the classroom. An online AIM resource page (http://www.tlc-mtss.com/aem.html) is maintained for all stakeholders.

- Resource Materials and Technology Center for the Deaf and Hard of Hearing (RMTC-DHH), accessible at http://rmtcosbd.org/, is a statewide resource center designed to assist schools and districts via the provision of a lending library comprised of captioned and

signed materials for students who are deaf or hard of hearing. The center staff is involved in the production of accessible materials as well as the modification of existing materials through the addition of captions, sign language or both. RMTC-DHH provides teachers and staff working with students who are deaf or hard of hearing consultation, training and support on the implementation of assistive technologies; accommodations; access to standards-based instruction; differentiated instruction and AIM; and appropriate hardware and software for students who are deaf and hard of hearing.

- FIMC-VI (http://www.fimcvi.org/) is a statewide resource center that provides specialized accessible assessments and instructional materials in braille, large print and digital formats for eligible Florida students with visual impairments. AIM are produced by the center's staff, prepared by certified braille transcribers and, when necessary, purchased by the center. These materials are then loaned to schools (public and private) within Florida. Additionally, FIMC-VI administers federal quota funds (for students who are legally blind) through the American Printing House for the Blind; maintains a professional loan library for teachers and families; and provides item reviews, proofreading and transcription services for the statewide assessment program. Consultation and training are also provided to those involved in educational programs for students with visual impairments, including itinerant and classroom teachers, administrators, paraprofessionals, parents and family members, agency staff, and volunteers. The project also offers trainings related to the determination and effective use of AIM, including Working with the Experts – Visually Impaired, webinars, Quality Programs for Students with Visual Impairments, family and caregiver sessions, online modules, workshops for braille transcribers, and technology training. FIMC-VI has been designated as the Florida authorized user for NIMAC and will provide NIMAS-derived materials for eligible students (see question D-3 for more information on NIMAC). FIMC-VI manages the registration of all students with visual impairments as well as those students with print disabilities that qualify for NIMAS-derived files. Once a student is registered with FIMC-VI or NIMAS/FL, authorized teachers of the visually impaired or DRMs can order AIM through the online FIMC-VI ordering system (see question D-3 for more information on ordering). FIMC-VI maintains a list of Florida DRMs who are the primary contact for each district. Training and consultation services related to NIMAS and NIMAC are also available for DRMs and district personnel.

- The National Center on Accessible Educational Materials (http://www.aem.cast.org/), a USDOE grant-funded resource, has made available an interactive, web-based process facilitator that can assist IEP teams in the decision-making process. More information is available at http://aem.cast.org/navigator/page.

Appendix B: References

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