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Dr. Eric J. Smith
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Technical Assistance Paper

Accessible Instructional Materials

Questions and Answers

Summary:

This technical assistance paper was designed to assist school districts in providing access in a timely manner to both appropriate and accessible instructional materials, 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 (34 Code of Federal Regulations [CFR] 300.210(b)(3)). Students with disabilities who cannot read standard print effectively and are therefore unable to meet grade-level expectations due to their disability require accessible instructional materials to participate in and make progress in the general curriculum. The individual educational plan (IEP) team is responsible for determining if a student needs accessible instructional materials, the format of such materials, and the necessary related accommodations and/or modifications for the student 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?

This technical assistance paper is designed to assist the individual educational plan (IEP) team in identifying materials that need to be made accessible, identifying procedures for determining if a student requires accessible instructional materials, and providing information on available resources and supports. Students with disabilities who cannot read standard print effectively and are therefore unable to meet grade-level expectations due to their disability require accessible instructional materials to participate and progress in the general curriculum. Providing access in a timely manner to both appropriate and accessible instructional materials 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 (34 Code of Federal Regulations [CFR] 300.210(b)(3)). The IEP team is responsible for determining if a student needs accessible instructional materials, the format of such materials, and the necessary related accommodations for the student to participate in the general curriculum.

A-2. What are “print instructional materials?”

IDEA defines print instructional materials 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 education agency or school district for students to use in the classroom (20 U.S.C. [United States Code] 1474(e)(3)(C)).

A-3. What are “accessible instructional materials?”

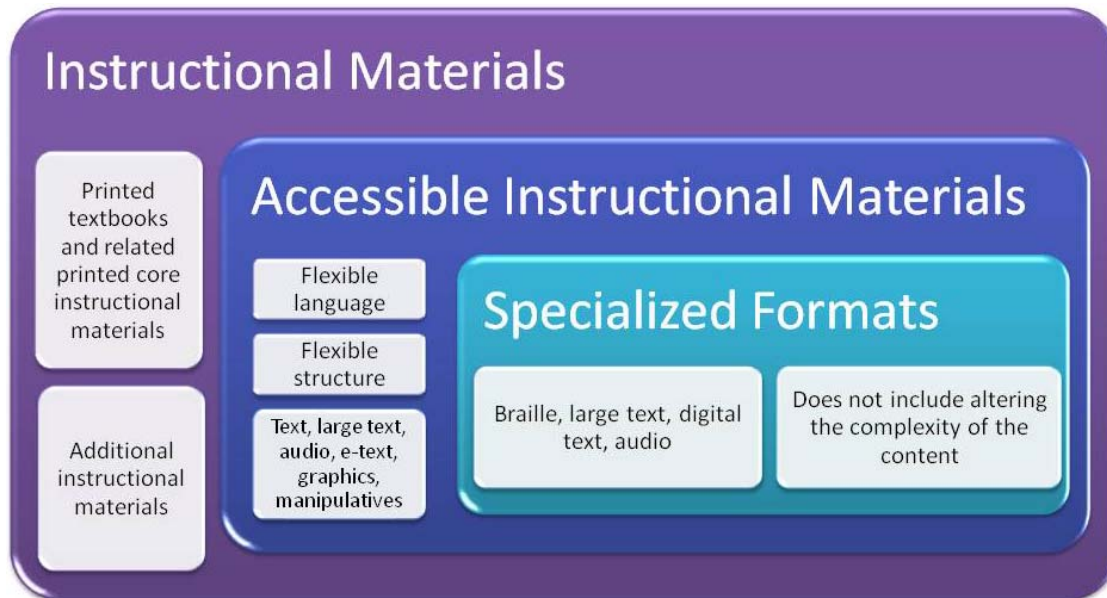
Accessible instructional materials are instructional materials and print instructional materials that have been formatted or adapted to meet the individual needs of students with disabilities. Examples include restructured print, braille, large print, digital text (or e-text), audio, graphic-enhanced text, images, and manipulatives. The specific types of adaptations to instructional materials should be based on the student’s IEP statement of how the student’s disability affects involvement and progress in the general education curriculum (34 CFR §§300 and 301, Summary of Changes, pp. 46618 and 46625). Based on this IEP statement, the identification of appropriate accessible instructional materials may involve a review of the language and reading level, how the information is structured or organized, and how the information is presented (visual, auditory, or tactile).

Current research in the development of math and science skills emphasizes the importance of math and science manipulatives. When using these types of instructional materials, special attention should be paid to the accessibility needs of students with physical and visual disabilities.

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 the general curriculum (34 CFR §§300 and 301, Summary of Changes, p. 46625).

A-4. What are “specialized formats?”

Specialized formats (34 CFR §300.172(e)(1)(iv)) are a subset of accessible instructional materials 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 (e.g., the complexity) of the print instructional material.



A-5. What are core instructional materials?

Core instructional materials are printed textbooks and related printed materials published with textbooks that are written and published primarily for use in elementary and secondary school instruction AND are required by the Florida Department of Education or the school district for classroom use. (State-Adopted Instructional Materials).

These materials DO NOT INCLUDE materials that are not written and published primarily for students to use in the classroom (e.g., trade books not bundled with the textbook, newspapers, and reference works) and ancillary or supplemental materials that are not necessary to meet the curriculum requirements for the intended course.

B. Accessible Instructional Materials and the Individual Educational Plan

B-1. Why are accessible instructional materials important?

IDEA supports the rights of students with disabilities to access, participate in, and progress in the general education curriculum. Accountability was included with the No Child Left Behind (NCLB) legislation, targeting the responsiveness and quality of the educational system based on student achievement. Accessible instructional materials are needed to provide effective participation in the general curriculum as well as provide flexible assessment tools that accurately measure skill development for students with disabilities.

Examples of students who may benefit from accessible materials follow.

- Students who cannot decode text and/or have language-related disabilities have shown positive effects for fluency with text-to-speech.
- Students with attention, organizational, and/or learning disabilities have shown improved academic gains with visual mapping supports, such as concept mapping.
- Students who cannot hold a printed book or turn the pages benefit from digital books where the pages can be “turned” by a switch or key press.
- Students who are deaf or hard-of-hearing have demonstrated academic gains with sequential text highlighting and captioning.
- Students who are blind or visually impaired benefit from digital text that can be converted to braille, used by refreshable braille displays, or converted to audio.¹

B-2. What role does Universal Design for Learning have in determining appropriate and accessible instructional materials?

Universal design as used in IDEA is based on the definition found in the Assistive Technology Act of 1998 (Section 3(17)):

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.

Universal Design for Learning, or UDL, provides a framework that schools can use to identify products, services, and technologies that may assist in quick adaptations of instructional materials to meet a student’s unique needs. For example, use software to quickly change the size of digital text, provide text-to-speech tools so the text can be read aloud, provide tools to restructure the text, and (depending on the program) open a variety of text formats, including Digital Accessible Information System (DAISY), National Instructional Materials Accessibility Standard (NIMAS), PDF, text, and web pages. Tools of this nature address a wide variety of accessibility needs.

In another example, a classroom or media center may have a wide variety of books on core curriculum topics available at various reading levels, print or audio files, and regular and large print. In this way, students can quickly find the instructional materials that meet their needs.

B-3. How does the IEP team determine the need for, and format of, accessible instructional materials for a student?

As a part of developing the student’s present level of academic achievement and functional performance as required by 34 CFR §300.320, an IEP team determines if the student cannot use or interact with typical instructional materials effectively and is unable to meet grade-

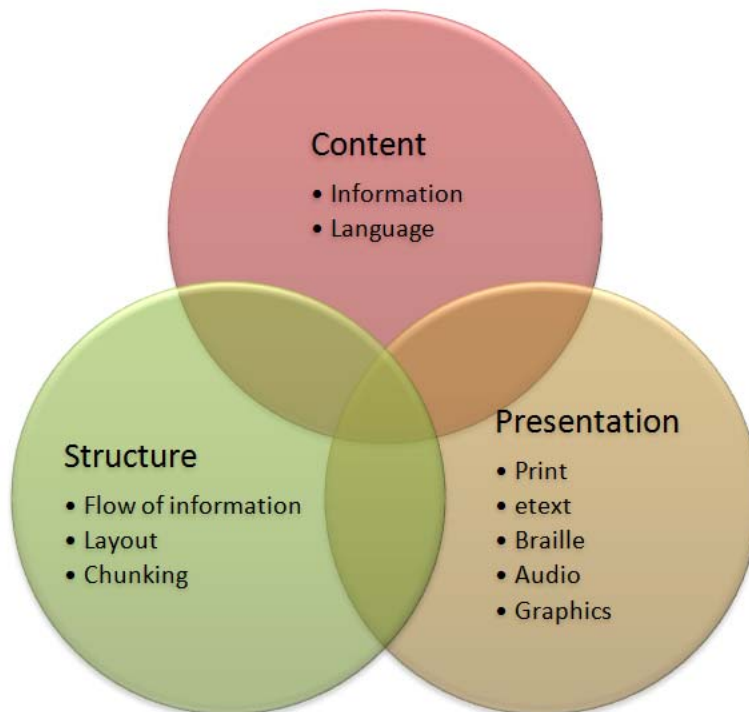
¹ Stahl, S. (2004). *The promise of accessible textbooks: Increased achievement for all students*. Wakefield, MA: National Center on Accessing the General Curriculum. Retrieved June 1, 2009, from http://www.cast.org/publications/ncac/ncac_accessible.html.

level benchmarks due to his or her disability. The team can also include accommodations that take into consideration the primary language of a student when English is a second language.

Determinations can be made through learning media assessments, informal reading inventories, current levels of performance, medical diagnosis, etc. If the team determines that there is a need for accessible instructional materials, the relevant team members working with the student should make recommendations to the IEP team on appropriate accessible formats and features.

There are three aspects of instructional materials 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 need to work with the information in smaller chunks or in an outline form. 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, graphic-enhanced text, colored overlays, etc.?



Examples of individuals who may be included in making decisions about accessible instructional materials are provided below.

- For students with a physical disability, a physical therapist, occupational therapist, teacher, and/or assistive technology specialist may work together to identify appropriate digital books and computer switch control systems and/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 text, etc.
- For students with a sensory disability (e.g., vision, hearing), a teacher of the visually impaired and/or teacher of students who are deaf/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, etc.

B-4. What information related to accessible instructional materials should be documented in the IEP?

Access to appropriate and accessible instructional materials is an inherent component of a local education 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 his or her involvement and progress in the general education curriculum, the team is encouraged to specify the following for both instructional and assessment materials:

- The specific format(s), features, and related accommodations to be provided (digital text, large print, braille, audio, text-to-speech, etc.)
- The services and/or assistive technology the student needs to use the accessible materials
- Whether the student has a recognized print disability under the National Instructional Materials Accessibility Standard (see Technical Assistance Paper 2009-084, *Questions and Answers: National Instructional Materials Accessibility Standard*, which can be found at <http://info.fl DOE.org/docushare/dsweb/Get/Document-5424/dps-2009-084.pdf>, for information on print disabilities and NIMAS services available to Florida schools and students)
- Whether the format is required to be used in the student's home or in another setting in addition to the classroom for the student to receive FAPE

B-5. What resources are available to help the IEP team in the determination and identification of appropriate accessible instructional materials?

The Florida Diagnostic Learning and Resources System (FDLRS) Centers, accessible at <http://www.fdlrs.com>, are located throughout the state and have Human Resource Development (HRD) Specialists, Technology Specialists, and Regional Technology Specialists available to train and consult on accessible media for students with disabilities.

The FDLRS Technology Coordinating Unit (FDLRS TECH), accessible at <http://www.fdlrstech.com>, is a statewide resource center designed to assist Florida schools and educators to combine accessible media, assistive technology, instructional technology,

and Universal Design for Learning tools to increase student achievement. Resources are available online and through training and consultation.

Resource Materials and Technology Center for the Deaf and Hard-of-Hearing (RMTC-D/HH), accessible at <http://www.fsdb.k12.fl.us/rmc/>, is a statewide resource center serving teachers of the deaf and hard-of-hearing throughout Florida. The mission of the RMTC-D/HH is twofold. First, RMTC-D/HH gives teachers of deaf and hard-of-hearing students the technology assistance, training, and consultation they need to successfully integrate technology into their classroom routine. Second, RMTC-D/HH serves teachers and interpreters with a lending library of over 1,300 captioned and/or signed videotapes.

Florida Instructional Materials Center for the Visually Impaired (FIMC-VI), accessible at <http://www.fimcvi.org/>, is a statewide resource center designed to assist schools in obtaining specialized materials for students with visual impairments. Materials are produced by the Center staff, prepared by certified transcribers, and/or purchased by the Center. These materials are then loaned to schools within Florida. Consultation and training are also provided to instructional personnel throughout the state.

FIMC-VI has been designated as the Florida Authorized User for the National Instructional Materials Access Center and will provide NIMAS-derived materials for eligible students. Training and consultation services are also available.

FDLRS Technology State Loan Library (FDLRS-TSLL), accessible at <http://www.fdlrs-tsll.scps.k12.fl.us/>, is a statewide resource center for all Florida school districts, supporting the availability of assistive technology devices and software for short-term loan as part of the assistive technology assessment/evaluation process. Equipment categories include computer access, interfaces, mounting, communication devices, and others.

C. Obtaining Accessible Instructional Materials for Students

C-1. How do districts acquire accessible instructional materials for students with disabilities?

There are a variety of resources for accessible instructional materials. Districts can choose to require textbook publishers to make flexible digital versions (e.g., unlocked PDFs, etc.) of all textbooks available for purchase, or use online textbooks and websites that can be read by screen readers, enlarged, etc.

Several publishers offer textbooks in web-based formats. An assessment procedure is still needed to make sure any web-based format will meet a student's accessibility needs.

Examples of HTML and online textbooks include:

- McGraw-Hill http://www.mhln.com/Controller?ACTION=GET&MANAGER=ONLINECONTENT&OPERATION=TEMPURL&JSP=oc_urteacher.jsp
- Pearson http://media.pearsoncmg.com/ebookplus/cg/html_test/Biology/index.html
- Harcourt <http://www.eharcourtschool.com/preview/index.html>

Districts can also choose to contact the publisher for permission to create an accessible version of a particular student's textbook. Below are some example permission/inquiry websites for various publishers.

- Macmillan/McGraw-Hill/Glenco
http://www.mhhe.com/catalogs/cust_serv/permissions.mhtml
- Pearson/Prentice Hall http://www.phschool.com/about_pearson/rights.html
- Houghton Mifflin Harcourt <http://customercare.hmhco.com/gratis/gratis-cs.html>

Under the guidelines of Fair Use,² schools may choose to scan printed text to ensure students have an accessible copy, making sure the original copy is also checked out to that student and that appropriate print/digital management is being used. The four guidelines of Fair Use are:

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for, or value of, the copyrighted work

A district/school-based print and digital file management system can be critical to ensuring that the value of a copyrighted work has not been affected and the rights of the publisher/authors are protected. More information on the Fair Use law and guidelines can be found at <http://www.copyright.gov/fls/fl102.html> and on the University of North Carolina at Chapel Hill School of Education website at <http://www.learnnc.org/search?phrase=copyright+law+and+education>.

For many students, the use of digital/audio books or HTML-based text books 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 are the primary resources available for accessible instructional materials. For *qualifying students* there are additional resources as follows.

- NIMAS and Florida NIMAS-Authorized Users – <http://www.fimcvi.org/>
 - NIMAS is a federally funded service that provides specialized formats (braille, large print, digital text, and audio) free of charge to eligible students. To qualify for NIMAS services a student must be unable to effectively read standard print due to a physical/sensory limitation or organic dysfunction. Examples include:
 - Blind or visual impairment
 - Physical/mobility limitations (e.g., cannot turn pages of a book)
 - Reading disability due to an organic dysfunction determined by a medical doctor
- Bookshare.org – <http://www.bookshare.org>
 - Bookshare.org is a vendor that has received federal funds to provide accessible materials to qualifying students free of charge. Available formats include DAISY books and braille digital format (or braille ready format [BRF]). A free text reader developed by Don Johnston, Inc., is available. To qualify for Bookshare services a

² Public Law 94-553, 90 Stat. 2541, Chapter 1, Section 107.

student must be unable to effectively read standard print due to a physical/sensory limitation or learning disability. Examples include:

- Blind or visual impairment
- Physical/mobility limitations (e.g., cannot turn pages of a book)
- Reading disability due to an organic dysfunction as diagnosed by a doctor of medicine
- Recording for the Blind and Dyslexic: Regional Unit of Florida (RFB&D)
 - http://www.rfb.org/Florida_Unit.htm
 - RFB&D produces accessible audio books. Qualifying students include students with visual disabilities, physical disabilities, learning disabilities, and other disabilities that make reading standard print effectively difficult or impossible.

It is important to note that neither Bookshare nor Recording for the Blind and Dyslexic can provide accessible textbooks for students who are not eligible for NIMAS under IDEA, nor can they provide any materials for students who are not eligible for materials/services under An Act to Provide Books for the Adult Blind of 1931 and its amendments. In order to provide accessible instructional materials for students who do not meet these eligibility criteria, districts will need to work with publishers to obtain flexible digital versions of textbooks.

C-2. Are students with disabilities who have Section 504 Plans also eligible for accessible instructional materials?

Students who have Section 504 Plans are not, by definition, eligible for materials derived from NIMAS files, as NIMAS is an IDEA provision. However, school districts are still required to provide FAPE for these students, in accordance with Section 504 of the Rehabilitation Act of 1973. Students who are visually impaired who are served with Section 504 Plans should be registered with FIMC-VI so that they can receive accessible instructional materials, as students with visual impairments and any type of plan (IEP, Section 504, individual family services plan [IFSP]) are eligible for federal quota funds. For students with other print disabilities, the suggestions given above for non-NIMAS-eligible students should assist with the provision of accessible instructional materials.

Students with Section 504 Plans may still be eligible 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 Recording for the Blind and Dyslexic may be used for these students. For more information about this eligibility, please visit the National Library Service website at <http://www.loc.gov/nls/eligible.html>.