Accessible Educational Materials in West Virginia

AEM-WV

Guidance for West Virginia Schools and Districts

Office of Special Education
West Virginia Department of Education
October 2015

West Virginia Board of Education
2015-2016

Michael I. Green, President
Lloyd G. Jackson II, Vice President
Tina H. Combs, Secretary

Thomas W. Campbell, Member
Beverly E. Kingery, Member
L. Wade Linger, Jr., Member
Gayle C. Manchin, Member
William M. White, Member
James S. Wilson, Member

Paul L. Hill, Ex Officio
Chancellor
West Virginia Higher Education Policy Commission

Sarah A. Tucker, Ex Officio
Interim Chancellor
West Virginia Community and Technical College Education

Michael J. Martirano, Ex Officio
State Superintendent of Schools
West Virginia Department of Education

Accessible Educational Materials in West Virginia:
Guidance for West Virginia Schools and Districts

West Virginia Department of Education
Office of Special Education

Pat Homberg
Executive Director

October 2015

Acknowledgements

The West Virginia Department of Education (WVDE), Office of Special Education, expresses appreciation to the members of the work group for their dedication and contribution to the development of this guidance document.

AEM Guidance Document Work Group Members

Annette Carey and Betsy Peterson, Chairpersons, WVDE
Joy Zabala, Consultant, CAST and National AEM Center

David Allen, WV Schools for the Deaf and the Blind
Erin Bashaw, Marion County Schools
Robert Bartlett, RESA 1
Craig Hesson, Mason County Schools
Kathern Pellegrin, Marion County Schools
Donna See, WV Schools for the Deaf and the Blind
Donna Simmons, Randolph County Schools

WVDE Staff

Lorraine Ciambotti Elswick
Melissa Gholson
Pat Homberg
Kathy Knighton
Sandra McQuain
Karen Ruddle
Alma Simpson
Valerie Wilson

Special gratitude is extended to the PACER Center and the National Center on Accessible Educational Materials at CAST for allowing West Virginia to utilize resources from their technical assistance guide. This document was developed using IDEA funds, grant award number H027A 120075

Foreword

Some students have difficulty reading and accessing standard informational resources, such as textbooks and supplementary materials. To be successful in school, these students and others like them need learning materials in specialized formats.

The Individuals with Disabilities Education Act of 2004 (IDEA) requires state and local education agencies to provide printed instructional materials in specialized formats (braille, large print, audio, digital text) in a timely manner to elementary and secondary school students with disabilities who need them. School districts must take reasonable steps to provide Accessible Educational Materials (AEM) to eligible students without delay, typically at the same time as other students receive instructional materials.

The purpose of this guidance document is to assist West Virginia schools and districts with information, effective strategies and resources for making decisions, acquiring and using Accessible Educational Materials with their students. With this knowledge, educators can help ensure that students with disabilities and other students have access to the materials they need to participate in class and achieve academically.

Michael J. Martirano, Ed.D.
State Superintendent of Schools

Table of Contents

BACKGROUND 1

IDEA AND AEM 3
- Print Disability 3
- Timely Provision of Accessible Materials 4

DECISION-MAKING PROCESS FOR AEM
1. DOES THE STUDENT NEED Accessible Educational Materials? 6
2. WHAT SPECIALIZED FORMATS ARE AVAILABLE? 7
3. HOW ARE Accessible Educational Materials ACQUIRED? 9
   - National Instructional Materials Access Center (NIMAC) 11
   - Criteria and Certification to Use Specialized Formats Created with NIMAS Filesets 11
   - Accessible Media Producers (AMPS) 12
   - Bookshare and Learning Ally Comparison 14
   - Publishers and Other Commercial Sources 15
   - Other Sources 16
   - Acquisition Flow Chart 17
   - PALM Initiative (Purchase Accessible Learning Materials) 19
4. WHAT SUPPORTS ARE NEEDED? 20
   - Technology/Assistive Technology 20
   - Training 21
   - Instructional Strategies 22
   - Support Services 22
   - Accommodations and Modifications 22

IMPLEMENTATION OF AEM-WV IN SCHOOL DISTRICTS 23
- Responsibilities by School Personnel 24

RESOURCES/REFERENCES 26

APPENDIX
- Glossary 27
- Overview Checklist for AEM 28
- What Do You Need to Know 29
- Verification of Eligibility 33
- Acquiring Accessible Education Materials* (AEM) for Students 38

Accessible Educational Materials in West Virginia (AEM-WV)
Guidance for West Virginia Schools and Districts

Background. While many students have difficulty reading and accessing standard print learning materials, such as textbooks and supplementary materials, the explosion of instructional technology and digital formats makes it possible for all students to have access to rich instructional resources for achieving high academic standards. School districts now have the opportunity, and the responsibility, to provide learning materials that are accessible to all students.

Students who cannot see the words or images on a page, cannot hold a book or turn its pages, cannot comprehend the syntax that supports the written word may each experience different challenges and they may each require different support to extract meaning from information that is "book bound".

When instructional resources are converted to specialized formats, students with disabilities may gain the information they need to reach curricular standards. Although some students may need alternative materials, that is, resources with modified content, this document provides educators in West Virginia information, effective strategies and resources for acquiring and using Accessible Educational Materials (AEM) presenting the same content all students receive to students needing specialized support.

What is the difference between a specialized format and an alternative material?

Specialized Formats include the same content presented in a different format.

Alternative Materials address the presentation of the content in a less complex manner so that the student may understand it. Some alternative materials may need to be presented in specialized formats.

Accessible Educational Materials (AEM) are materials designed or converted to make them usable across the widest range of students. The Individuals with Disabilities Education Act (IDEA) specifically focuses on accessible formats of published print instructional materials that have been transformed into the specialized formats of braille, large print, audio or digital text. IDEA ensures students with disabilities who need print instructional materials in an accessible format receive them in a timely manner by requiring school districts to provide ***instructional resources*** in ***specialized formats*** when needed by ***students with identified disabilities*** without delay, typically at the same time as other students receive instructional materials. Identification of the type of specialized format(s) the student will need is documented on the student's Individualized Education Program (IEP). To facilitate efficient and cost effective services, West Virginia has opted to coordinate with the National Instructional Materials Access Center (NIMAC) as a means for providing specialized formats in a timely manner to qualified students.

The following are examples of students needing AEM:

- A student with a visual impairment who cannot read a standard print textbook may read independently when provided large print or braille materials;
- A student with a physical disability, who is unable to hold and turn the pages of a standard textbook, may benefit from having an audio or digital version of the textbook; and
- A student with a reading disability who cannot read the printed version of an assigned novel in high school English literature class may analyze the work when given an audio version.

To be successful in school, these students, and others with similar needs, require learning materials in specialized formats to access the grade-level content.

Purpose

These operational guidelines primarily focus on the provision of AEM for students with disabilities who have IEPs. However, the information will assist administrators, curriculum/technology coordinators, teachers and others with the provision of AEM to all students with identified disabilities, including those with Section 504 Plans. Following a review of the IDEA provisions related to AEM, this document outlines the IEP Team decision-making process for AEM, which includes valuable considerations for any student needing AEM:

- Determining student need
- Types of specialized formats
- Acquiring Accessible Educational Materials
- Necessary supports
- Implementation of AEM-WV in school districts

With this knowledge, educators can help ensure that all students have access to the materials they need to participate in class and achieve academically.

IDEA and AEM

In accordance with IDEA, states must ensure that students with disabilities who need AEM receive them "in a timely manner." To facilitate this, the West Virginia Department of Education (WVDE) has adopted the National Instructional Materials Accessibility Standard (NIMAS). NIMAS is a standard file format established by the Secretary of Education and included in the IDEA. These electronic files of print instructional materials can be more easily converted into accessible formats which make it easier for students with disabilities to access learning materials in the formats they need as quickly as possible. When accepting IDEA entitlement funds, each local district assures it will coordinate with NIMAC when providing instructional resources in specialized formats to qualified students with "print disabilities" when needed. This assurance accompanies the district's IDEA grant award. The NIMAC is the repository for electronic files of books created using the NIMAS format. They are designed to be easily converted into specialized formats, including braille, large print, audio, and digital text.

Print Disability

IDEA uses the term "print disability" to refer to the criteria under the provisions of the 1931 Act to Provide Books to the Adult Blind, as Amended. Individuals with a print disability are those who have been certified by a competent authority to be unable to read or use standard print instructional materials because of:

- blindness,
- visual impairment,
- physical limitations, or
- reading disabilities resulting from an organic dysfunction (certified by a licensed physician)

> "Print instructional materials" include printed textbooks and related printed instructional resources that are written and published primarily for use in elementary and secondary school instruction and are required by a state or local education agency for use by students in a classroom. Such materials often include workbooks and other supplemental materials.

The 1996 Chafee Amendment to Copyright Law, Public Law 104-197, adds Section 121, establishing an exception to copyright infringement for the reproduction of works for use by the blind or other persons with identified disabilities. ***Therefore, reproduction of materials is allowed for students who meet the above criteria.***

It should be noted that the criteria included in Section 121 may be interpreted differently by various providers of accessible instructional/educational materials (e.g. APH, Learning Ally, Bookshare). While this may be somewhat confusing, it is important to understand that all interpretations refer to the same statute, the 1931 Act to Provide Books to the Adult Blind, as Amended. Various interpretations are recognized by the Library of Congress.

Documentation is essential to ensure compliance with copyright laws. Districts are encouraged to develop policies and/or procedures to track distribution and use of Accessible Educational Materials. Copyrighted materials in specialized formats intended for students with disabilities may not be distributed to other students without publisher permission, even though they would be beneficial. Additional information regarding copyright may be obtained at: http://www.loc.gov/nls/eligible.html.

Timely Provision of Accessible Materials Under IDEA

IDEA requires timely provision of AEM, and the state has the responsibility to define "in a timely manner." West Virginia defines this to mean all students receive their instructional materials, including accessible materials, at the same time as other students. All reasonable efforts must be made by the LEA to acquire accessible materials. This document will guide the district in the identification of roles and responsibilities to accomplish this. Districts and IEP Teams should ensure decisions regarding whether a student needs AEM and identification of specific printed instructional materials the student will need are made to allow for timely acquisition of the materials. For example, **even though a high school student's schedule may not yet be finalized in the spring, classes and materials should be identified so materials can be obtained before school starts.**

"Timely manner"

Students are required to receive Accessible Educational Materials in a timely manner. In West Virginia, timely manner means at the same time as his/her non-disabled peers.

WVDE provides the following assurance for all state adopted materials to be included in the Official Multiple Listing of Approved Materials. Publishers must create and deposit a validated NIMAS file set in the NIMAC. Districts may request a waiver for instructional materials not on the Multiple Listing. However, the district is responsible for ensuring these materials are in an accessible format for students who require them. See WVDE contract language on page 5.

A Word of Caution: When considering instructional materials not on the WVDE list of approved materials, there is no guarantee that the print resources will comply with the National Instructional Materials Accessibility Standard (NIMAS), that non-print materials will adhere to current W3C guidelines and be Section 508 conformant, or that web content will follow the current Web Accessibility Guidelines (WCAG). Publishers of the materials on the approved list have signed a contract guaranteeing that their materials are in compliance. If a resource on the approved list is not in compliance, notify the WVDE Instructional Materials Coordinator who will be able to enforce the contract.

The following language is included in the contract for all vendors listed on the Official Multiple Listing of Approved Materials as required by WVBE Policy 2445.41 - **INSTRUCTIONAL RESOURCES ADOPTION: NOTICE, REQUEST, AND INSTRUCTIONS TO PUBLISHERS:**

Policy 2445.41 Section 5.6 and Contract Paragraph Nine:

"All core and core related print materials produced after August 18, 2006, must comply with the National Instructional Materials Accessibility Standard (NIMAS), as required by the Individuals with Disabilities Education Act (IDEA), and must be submitted to the National Instructional Materials Accessibility Center (NIMAC) in NIMAS format. This requirement does not apply to material produced prior to August 19, 2006." That said Contractor grants permission to transcribe into Braille, Large Type Editions, Audio Recordings, and similar designations by filing permission with the American Printing House for the Blind, Louisville, Kentucky, by the date of execution of this Contract.

Contract Paragraph Seventeen:

All student non-print materials shall meet student accessibility guidelines. All content must adhere to current W3C guidelines and be Section 508 conformant. All web content must follow the current Web Accessibility Guidelines (WCAG).

Similar language is also stated in a footnote on the bottom of page 2 of the contract:

"All materials produced after August 18, 2005, must comply with the National Instructional Materials Accessibility Standard (NIMAS), as required by the Individuals with Disabilities Education Act (IDEA), and must be submitted to the National Instructional Materials Center (NIMAC) in NIMAS format. MathML3 Structure Guidelines recommended by the [NIMAS] Center will be used for mathematical and science content. This requirement does not apply to material produced prior to August 19, 2006." Permission to translate into Braille, Large Type Editions, Audio Recordings, etc., will be filed with the American Printing House for the Blind, Louisville, Kentucky, within 30 days of adoption by the West Virginia Board of Education. Specify no charge as N/C.

WVDE has no authority over publishers of materials not on the approved list; therefore, the Department will be unable to assist in resolving issues you may encounter.

Decision-Making Process for AEM

The following section identifies four decision-making steps members of an Individualized Education Program (IEP) Team should take to ensure that students receive specialized formats if they are needed for educational participation and achievement. The AEM Navigator (http://AEM.cast.org/navigator) is an excellent tool to guide the decision-making process described below.

1. Does the student need Accessible Educational Materials?

The need for AEM is not tied to a specific disability label. Students who can understand the instructional content but are unable to read or use standard print materials can access that same content through specialized formats, which include braille, large print, audio and digital text. An IEP Team should consider a variety of factors when determining whether a student needs materials in a specialized format, including the use of different formats for different classes.

The IEP Team should consider whether the student can read and use the standard print-based materials used by the other students. Consideration points:

- If the student is unable to read traditional grade-level print instructional materials,
- If the student is unable to read at a rate with comprehension to complete academic tasks with success, relative to same-age peers,
- If the student cannot do the above independently, or,
- If the student cannot do this across environments and tasks,
  - then the student may need AEM.

When thinking about a student's possible need for specialized formats, the IEP Team might consider, along with other factors, the student's: sensory, physical and cognitive capability; reading level (decoding, word recognition, comprehension and fluency skills); grades; classroom performance; and levels of academic proficiency in all subject areas. Some specific questions the team might ask include:

- Can the student see the material well enough to read the information on a level comparable to other classmates?
- Can the student physically manipulate the material without strenuous effort?
- Does the student have the necessary stamina to read standard materials for extended periods of time?
- Does the student have the decoding, fluency and processing skills needed to gain information from grade-level printed materials?

Answering "no" to any of these questions may indicate that a student needs the instructional materials in specialized formats. If there are cognitive concerns, the student may need modified or alternative materials.

Other considerations may impact whether the student needs AEM:

- Is the student a proficient English language speaker?
- Has the student received appropriate instruction in reading and math?

If the answer to either of these questions is "no", the provision of AEM may not lower barriers to participation and achievement. Other supports, such as focused instruction, must be considered.

If it is determined that the student needs AEM, the IEP should reflect this decision. Intervention supports and strategies for students who have difficulty accessing and/or using grade-level textbooks and other core materials in standard print forms should be reflected in the IEP.

AEM is also an important component of the IEP for students of transition age, 16 and older, because specific transition services based on the student's post-secondary goals must be documented. The decision an individual makes upon exit from school is whether or not there is a continued need for AEM in the post-school setting of education, training or employment. If this is a need, then transition activities and linkages may include support for seeking eligibility under the Americans with Disabilities Act of 1990 (ADA) and/or Section 504 of the Rehabilitation Act of 1973. The coordinator for disability services at the desired post-secondary college or university may be an important linkage identified as part of transition planning services in the IEP. Subsequently, the Summary of Performance document provided to the student upon exit from school may include recommendations for continuation of AEM. The same consideration for disclosure applies to youth entering the workforce or training program immediately after high school. Additional information is available under Supporting Learning at aem.cast.org/.

2. What specialized formats are available, and how are they selected?

If the IEP Team determines a student needs AEM, the next step is to select which specialized format(s) would be most appropriate. The four types of specialized formats are braille, large print, audio and digital text:

- **Braille** is a tactile system of reading and writing made up of raised dot patterns for letters, numbers and punctuation marks. This format is used almost exclusively by people with visual impairments. Braille may be either embossed (a permanent printed document) or refreshable (electronically generated from a digital text file and accessed via a braille display device).
- **Large print** is generally defined as print that is larger than the print sizes commonly used by the general population (8 to 12 points in size). One guideline used defines large print as 18 point or larger. A document produced in large print format usually has more white space and may not look like the original document, but it contains the same information. Large print may be printed on pages that are the same size as a standard textbook page or on pages of a larger size.
- **Audio** formats present content as speech to which a student listens. Audio formats include recorded human voice or synthesized electronic speech. It has no visual component.

- **Digital** text provides electronic content that is delivered on a computer or another device. Electronic content can be changed in many ways (e.g., size, contrast, read aloud) to accommodate the needs and preferences of a student. How content is presented to a user depends upon the technology being used and student needs.

Caution: Some materials converted to digital text do not provide descriptors for charts, graphs and pictures. For a student who is blind or visually impaired, the materials may need to be enhanced by a transcriber to include this information.

The decision-making team should consider the environments in which the student interacts.

- Classes in which published printed materials are used
- Community-based programs
- Home

The IEP Team will select the formats needed for each print instructional material to be made available in an accessible form. In making the decision, the Team should consider which format will best enable the student to:

- access information contained in the printed materials,
- work as independently as possible,
- develop literacy skills, and
- participate in educational activities.

Benefits of providing curriculum materials in a digital format

Unlike print-based curriculum materials, which are fixed, digital curriculum materials must be designated to be flexible. If designed to be accessible, they can be easily modified to provide students with multiple means of accessing content. Some benefits of providing curriculum materials in a digital format are listed below:

- *Text-to-speech decoding and comprehension support*
- *On-demand reading aloud of typed responses for editing*
- *Options to customize text font size and page layout*
- *Multimedia glossary to provide vocabulary support*

The student's preferences, language, vision, memory, listening skills, tactile skills and English proficiency should also be considered.

Students may require different formats depending on their needs, the instructional content and material, the tasks the student is asked to perform and the environments in which the materials will be used. For example, a student may use a digital format at school and an audio format at home, or a large print book for math and digital text for history.

A student typically will need a trial period with different formats to determine which are most effective and preferred in different environments for various reading tasks. This is particularly important for transition planning as students approach exiting from high school and for development of the Summary of Performance required at exit.

3. How are Accessible Educational Materials acquired?

After establishing that a student needs AEM and selecting which formats are needed for what materials, the decision-making team determines how and where to acquire the materials. It is important that the team also consider implications for continuation or additional needs that may be necessary at the post-secondary setting for students of transition age.

Although AEM may be acquired from a variety of sources, not all students are eligible to receive materials from each of the sources. This section provides a summary of each source, the type of materials provided and a description of who may receive materials from them. Keep in mind that many students may need more than one specialized format and may need materials from more than one source.

Accessible Educational Materials (AEM) may be acquired from five common sources:

- The National Instructional Materials Access Center (NIMAC)
- Accessible Media Producers (AMPs)
- Publishers and Other Commercial Sources
- Other Sources
- Locally Created

Select from the following options to determine the sources that can be used to acquire materials for the student.

❑ **Student meets copyright criteria for specialized formats and is served in special education under IDEA**

This student is eligible for specialized formats acquired from all five sources: NIMAC, AMPs, publishers and commercial sources, free sources, and, under some circumstances, "locally created."

❑ **Student meets copyright criteria for specialized formats but is not served under IDEA**

This student with a disability has a Section 504 Plan is eligible for specialized formats acquired from AMPs, publishers and commercial sources, free sources, and, under some circumstances, "locally created."

❑ **Student does not meet copyright criteria for specialized formats**

This student is eligible for specialized formats acquired from publishers and commercial sources, free sources, and, under some circumstances, "locally created."

Note: For some sources, U.S. copyright law requires that individuals be certified by a competent authority as having a disability that prohibits the effective use of printed materials in order to receive specialized formats of copyrighted materials.

Who is a competent authority?
A "competent authority" must certify students as having a print disability. For students (already found IDEA eligible) who are blind, have a visual impairment or have physical limitations preventing use of print, the competent authority may be a school official such as a social worker, special educator, school psychologist or a medical professional. Students with reading disabilities resulting from an organic dysfunction must be certified as having a print disability by a medical doctor.

Each district must maintain documentation for all students who obtain AEM from sources, such as NIMAC, requiring certification under the copyright law. For students with a reading disability, the IEP Team may obtain certification using one of the certification forms found in the appendix. Please refer to ***Criteria and Certification to Access NIMAC Files*** on page 15 for additional information.

For students who are blind or have low vision, the West Virginia Instructional Resource Center (IRC) works in collaboration with the districts' teachers of the visually impaired (TVIs) in the provision of Accessible Educational Materials. The IRC (WVIRC http://wvde.state.wv.us/osp/vi/irc.html) is a statewide, centralized repository for specialized materials and information relating to the education of students who are blind/low vision and are enrolled in West Virginia's Pre-K - 12 schools. The WVIRC maintains an annual registration of West Virginia students with visual impairments and registers those students who are legally blind with the American Printing House for the Blind (APH). The WVIRC is able to purchase books through funds provided by the West Virginia Department of Education, Office of Special Education, and the APH Federal Quota Registry. Only certified teachers of students with visual impairments working in West Virginia can order braille textbooks through the West Virginia Instructional Resource Center.

However, if an IEP team has determined a student needs Accessible Educational Materials to receive a free appropriate public education (FAPE), the specialized formats must be provided even if the student does not have a print disability as defined by copyright statute. In this situation, sources not requiring certification of a print disability (e.g. other than NIMAC) may be accessed.

Note: Students on Section 504 Plans do not have access to the instructional materials through the NIMAC. However, all other information below will guide the teams through the acquisition options.

National Instructional Materials Access Center (NIMAC)

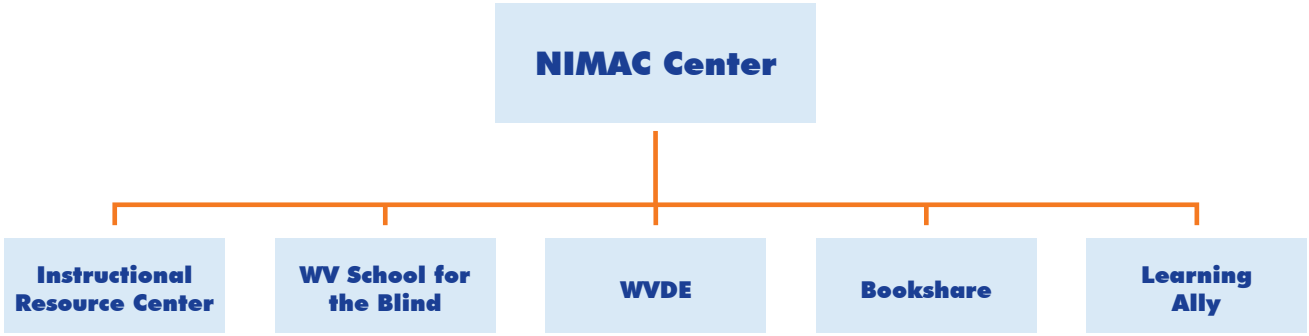
The NIMAC is the national library of files developed according to the National Instructional Materials Accessibility Standard. To receive specialized formats created with NIMAS source files from the NIMAC, a student must:

- have an IEP. This means the child has undergone an evaluation and is or will be receiving special education services under IDEA. And,
- be certified by a competent authority as having a "print disability", that is, meeting the criteria for receiving materials as defined by copyright statute.

Criteria and Certification to Use Specialized Formats Created with NIMAS Filesets:

Disability	Qualified if Certified by Competent Authority	Examples of Competent Authorities
Low-Vision	20/70 in the better eye after correction for low vision or a degenerative condition (or visual disability prevents the reading of standard printed material)	Ophthalmologist or optometrist. (Note: IRC maintains record.)
Legally Blind	20/200 in the better eye after correction or have a 20-degree field loss	Ophthalmologist or optometrist. (Note: IRC maintains record.)
Physical Disability	Unable to read or use standard printed material as a result of physical limitations.	Doctor of medicine or osteopathy, registered nurse, therapist, and professional hospital or public or welfare agency staff (e.g., social workers, case workers, counselors, rehabilitation/special education teachers).
Reading Disability	Reading disability resulting from organic dysfunction and of sufficient severity to prevent reading printed material in a normal manner.	Determined by doctors of medicine who may consult with colleagues in associated disciplines (such as those listed above). Documentation by a doctor of medicine may be found in student record. If no such documentation exist, district may request from student's family doctor (at no cost to parents), or utilize one of the certification forms found in the appendix.

Students meeting the criteria to receive materials created from NIMAS files housed at NIMAC will not receive them directly. Instead, authorized users designated by states and registered with the NIMAC access these files for the creation of student-ready materials in braille, large print, audio, or digital text formats. The chart below identifies the authorized users for West Virginia.



Accessible Media Producers (AMPs)

AMPs are organizations that produce accessible materials in specialized formats such as braille, large print, audio or digital text. To receive materials from an AMP's general collection, students must meet the definition of print disability, that is, criteria to receive materials under the copyright law. The student may or may not be served under IDEA. A student on a Section 504 Plan may receive materials from an AMP if he/she meets the criteria of the copyright law. However, to receive materials from the AMPs that have been created from files from the NIMAC, the student must also be served under IDEA (have an IEP).

The AEM Guide to Accessible Media Producers provides a list of AMPs and may be found at: http://AEM.cast.org/learn/practice/acquisitiondistribution/AEM_amp_guide

Following is a list of commonly accessed AMPs:

American Printing House for the Blind (APH) (www.aph.org) creates and provides materials in braille, large print and electronic formats for individuals who are blind or have visual impairments.

Bookshare (www.bookshare.org) creates and provides files that can be used by students who need materials in digital text or braille formats. It also provides software that can be used to read those files.

Learning Ally (www.learningally.org) creates and provides audio books with human narration or synthetic electronic speech. Specially adapted players or software may be required to play the audio books, some of which can be acquired directly from Learning Ally.

Note: Both Bookshare and Learning Ally are **Authorized Users for West Virginia**. These resources can access the NIMAC files for all students with IEPs who have been identified as having a print disability.

STUDENT MEETS ELIGIBILITY FOR BOTH IDEA AND COPYRIGHT ACT

For students who have a disability and have an IEP under IDEA and also have a print disability as defined above:

- Textbook Publishers have agreed to provide their materials in an accessible standard to the National Instructional Materials Accessibility Center (NIMAC).
- Accessible media producers create and produce materials from the NIMAC files for students who meet the above criteria.
- Bookshare and Learning Ally are authorized to access these files for West Virginia eligible students.
- LEAs may obtain AEM through the above authorized users.

STUDENT DOES NOT MEET ELIGIBILITY FOR IDEA BUT MEETS COPYRIGHT ACT (504)

For a student who has a disability, for example under Section 504, but does not meet the criteria to receive materials in coordination with NIMAC, potential sources of materials may include commercially available published materials, internet resources, copyright-free or open source material and locally-created materials. Bookshare and Learning Ally also may be sources of materials that are not restricted by the NIMAC eligibility requirement.

Bookshare, Learning Ally or a Combination of Both:

Feature	Bookshare	Learning Ally
Web Site	https://www.bookshare.org/	https://www.learningally.org/
Specialized format	Digital text	Human-narrated audio
Textbooks	Yes	Yes
Cost	Free for qualified U.S. Students and schools	Scaled fee structure
Membership requirements	Proof of print disability (Bookshare approves pre-existing Learning Ally members)	Proof of print disability (Learning Ally approves pre-existing Bookshare members)
Primary file formats	DAISY (text), Braille Ready Format (BRF)	DAISY (audio)
Technology options	Web browser, computer software (provided at no cost), mobile device applications (apps), or assistive technology devices	Computer software of mobile device applications (apps) provided at no additional cost
Sample Collections	Textbooks; NY Times bestsellers, Pulitzer Prize Award winners, Teacher Recommended Reading, Newbery Award, Young Reader's Choice, Hugo Awards, NEA's Bilingual Booklist, newspapers & magazines	Textbooks; Caldecott and Newbery Medal winners; High Interest/ Low Vocabulary Readers; Test Preparation; Languages; Literature & Non-fiction; Fiction; Hobbies & Recreation
Additional Services: Both organizations: • NIMAS-authorized • Accept books for conversion	"Reading Lists" for book management; book requests	"Teacher Ally" for book management and data collections; book requests Custom Accessible Products & Solutions (CAPS): State assessments in multiple formats

Publishers and other Commercial Sources

Publishers can provide accessible materials in several ways. Upon request by a state or local education agency, a publisher may be willing to provide a digital file or grant permission to copy or scan materials that are not available from another source. When publishers provide these files, it is usually with the understanding that use of materials created from the file will be limited to students certified as having a print disability. This is especially helpful when the material is no longer sold and has no NIMAS source file. These materials are called "legacy materials." Some publishers also provide digital versions of instructional materials that can be purchased along with or instead of the printed books. This can be very useful if the digital version contains the same information as the printed book rather than supplementary material. Just because a material is in a digital format, however, does not necessarily mean that the material is accessible to all students (for example, perhaps the text cannot be read aloud, highlighted or otherwise changed).

Why aren't more instructional materials available for purchase in accessible formats?
Some publishers have said that few education agencies are asking for accessible materials for purchase, possibly because people do not know they exist. To encourage and increase the availability of AEM for purchase, parents and school staff are encouraged to contact publishers to ask for accessible versions of textbooks that can be purchased. This is extremely important because a purchased book in any format can be used by any student, rather than only by students who meet certain qualifications. In addition, if the accessible material is coming directly from the publisher of the printed material, it is likely that both formats will be delivered at the same time.

One of the most promising developments is that publishers are beginning to provide some accessible versions of instructional materials for purchase, typically in digital formats that can be read by a variety of digital readers.

Other Sources

There are numerous free accessible materials (e.g. internet). Although these sources do not typically include textbooks, they may be good sources of supplementary materials, some of which may be required school reading. Items with expired copyrights and in the public domain are typically available free-of-charge.

Electronic Book Sources

The following is a selection of sources that provide electronic or audio books; some texts are available for free and other books must be purchased. The list is not exhaustive and newe resources continue to be developed.

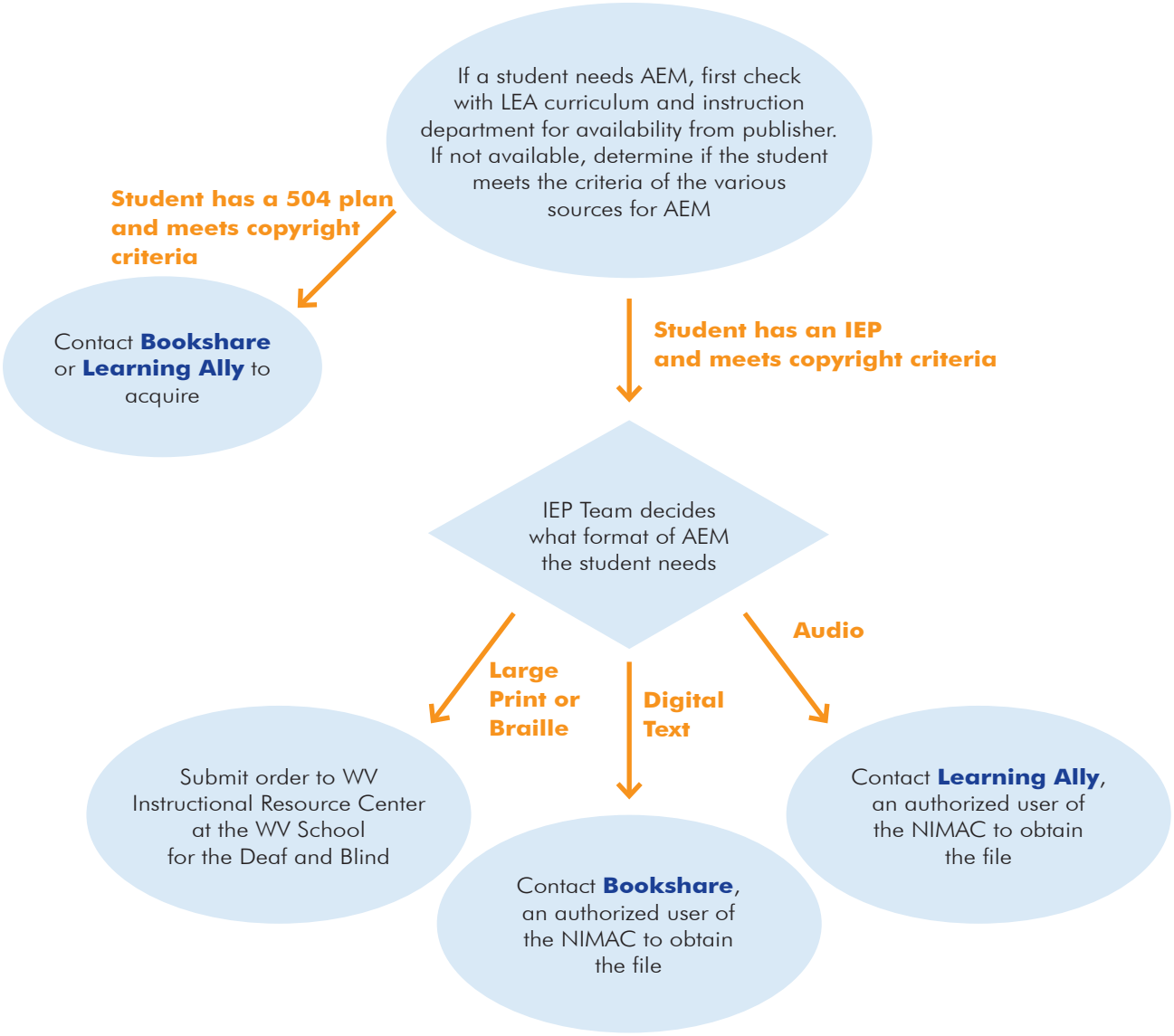
- Audible.com: www.audible.com
- Audio Editions: www.audioeditions.com
- Blackstone Audiobooks: www.blackstoneaudio.com
- CAST UDL Book Builder: http://bookbuilder.cast.org/
- CK–12 Foundation: http://www.ck12.org
- Kno: https://www.kno.com/
- LibriVox: www.librivox.org
- Lit2Go: http://etc.usf.edu/lit2go/books/
- National Library Service for the Blind and Physically Handicapped (NLS): http://www.loc.gov/nls/
- Net Library: www.netlibrary.org
- Online bookstores: www.amazon.com, www.barnesandnoble.com, and others
- OverDrive: www.overdrive.com
- Oxford Owl: http://www.oxfordowl.co.uk/
- Project Gutenberg: www.gutenberg.org
- StoryBird: http://storybird.com/
- TumbleBook Library: http://www.tumblebooks.com/
- West Virginia Digital Entertainment Library Initiative (WV DELI): http://tinyurl.com/nf8vf5p
- West Virginia Library Commission: www.librarycommission.wv.gov

Locally Created

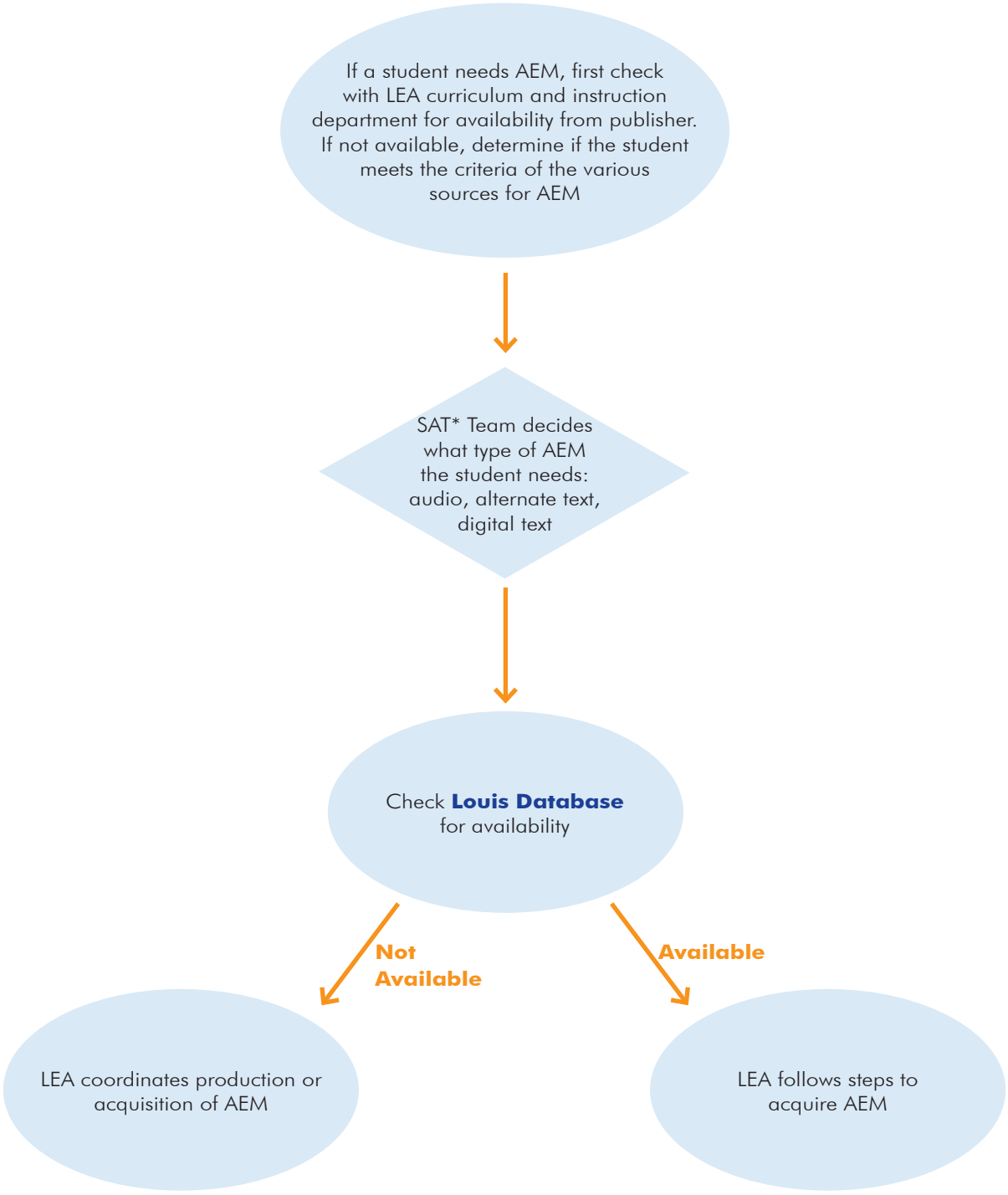
Although specialized formats are increasingly available through accessible media producers and commercial sources, the "do-it-yourself " method of creating materials—often by scanning the material or by creating it on a computer and saving it as digital text—remains a way to meet the needs of some students for certain materials. For example, teacher-made materials will almost always need to be created in this manner.

When an accessible version of a published, copyrighted material is created in this way, copyright law must still be respected. The safest approach is to ask permission from the publisher. When creating materials, districts are encouraged to seek advice from their legal counsel if this is necessary to ensure compliance with copyright obligations.

Acquisition Flow Chart for AEM for Students with an IEP or Section 504 Plan and Meets Copyright Criteria



Acquisition Flow Chart for General Education Students (Does not meet criteria or copyright law)



** Student Assistance Team*

Accessibility of Digital Materials: the PALM Initiative (Purchase Accessible Learning Materials)

Not all instructional materials are created equal in accessibility, especially digital materials. Districts must ensure that all instructional materials not on the WVDE approved adoption list are accessible. For printed materials, WVDE approved contract language on page 8 may be used. For digital materials, the recommendations from the PALM Initiative provide the appropriate guidance.

The PALM Initiative is focused on encouraging purchasers to buy and publishers and developers to create accessible learning materials.

Recommendations from the PALM Initiative:

Content should be *perceivable*

- Content is represented in multiple ways so it can be used based on what students might need or prefer (e.g., video captions, alt text, audio, text-to-speech, digital braille)
- Mathematical, scientific and music symbols, formulas, and notations are represented in multiple ways (e.g., explained with text, MathML)

Content should be *operable*

- Both visual and non-visual forms of navigation are possible (e.g., keyboard shortcuts/mapping, screen gestures, voice)
- Location and progress supports are included (e.g., page numbers, progress bars)
- If writing is required, there are multiple ways to enter text (e.g., word prediction, on-screen keyboards, voice input)
- Timing and pace as the student progresses through content can be controlled

Content should be *understandable*

- Content is structured in a predictable, coherent, and logical way
- Content is at an appropriate level for students
- Supports and scaffolds for difficult content are available to students (e.g., glossaries, highlighters, sentence starters, spelling checkers, graphic organizers)
- Feedback on errors and progress is provided to students

Content should be *robust*

- Content can be used on multiple devices and with different assistive technologies
- There is nothing to prevent access to built-in accessibility features or necessary assistive technologies (e.g., digital rights management [DRM])
- Products are tested by the publisher/developer to ensure compatibility with assistive technology (AT) (e.g., screenreaders, refreshable braille, text-to-speech, human-voice reading software)

Creator of high quality educational materials should employ Universal Design for Learning (UDL) principles to produce materials that reach the widest range of students thus, are accessible. General and special educators should choose high quality accessible materials when creating daily lesson plans to support access for all student.

For additional information, search PALM Initiative at aem.cast.org/

4. What supports are needed to effectively use Accessible Educational Materials?

After the IEP Team has selected the specialized format(s) needed and determined where to acquire them, the Team then determines whether any of the following supports are needed for a student to effectively use the selected AEM:

- technology,
- assistive technology,
- training,
- instructional strategies,
- support services, and
- accommodations or modifications.

When a student exits school, the Summary of Performance document contains specific recommendations for meeting post-secondary goals, including essential accommodations, adaptations or modifications, and/or assistive technology supports. Therefore, an IEP Team decision for transition planning regarding AEM is considerable.

Following is a broad summary of supports that may be needed for a student to effectively use AEM. Further information may be found in the Navigating AEM tab under Decision Tools at aem.cast.org/.

Technology

After selecting the specialized formats and determining how to acquire them, the team should decide what types of technology or tools are needed for a student to use the accessible materials. The information already identified by the team about the specific formats, the features needed by the student, along with how and where the student will use the accessible materials, can be helpful when choosing among the various technology tools that might be used to deliver the specialized formats.

Assistive Technology

"Any item, piece of equipment or product system, whether acquired commercially or off the shelf, modified or customized, that is used to maintain or improve functional capabilities of individuals with disabilities" *Individuals with Disabilities Education Act (IDEA).*

School districts are mandated to make assistive technology available to all students with disabilities if appropriate to receive a free, appropriate public education (FAPE). It is:

- an IEP Team decision
- available for home use as determined by IEP Team
- funded by district.

- Guidance for assistive technology from the AEM Center can be found under Supporting Learners tab at aem.cast.org/
- The SETT Framework is recommended for IEP Teams to use in determining assistive technology needs. Guidance documents can found under SETT Documents at www.joyzabala.com

Training

The amount of training required for the student and instructional team to use AEM will vary according to the complexity of the technology or tool selected to access the specialized formats. For example, use of a large print book would not require much training. However, if a student is using text-to-speech software or a screen reader to access digital text, he or she may need to learn more advanced skills. Teachers, other school staff and families may also need training in order to support the child at home and school.

Initial success with the tool is critical, and the next step is to build on that success by gradually introducing more features of the technology that enable the student to accomplish additional tasks.

Determination of training needs should address:

1. Operational skills - Training on the technology the student will need in order to benefit from the specialized format but may also include training in skills necessary to access the methods or specialized format.
2. Functional skills - Training the student will need on the independent learning strategies that are necessary to benefit from the specialized format. This may include remembering, identifying key points, responding to questions. Training that will address the use of specialized formats in environments where others are using traditional print materials.
3. Families - Training the family will need to know to support the student in both the specialized format(s) and technology.

Students may also need additional types of training, such as when to use a particular format or tool for a specific learning task or how to ask for needed supports when they are not readily available.

Instructional Strategies

Educators may need to use various instructional strategies to support students using specialized formats and supporting technologies. When a student first begins using these tools, instruction should include multiple opportunities for the student to understand the purpose, benefits and outcomes of using the tools. It is helpful to start by providing opportunities for the student to use the tools to successfully complete familiar learning tasks (possibly in a single environment). Gradually building on early successes and slowly introducing the complexity of the tools will enable the student to master them and work as independently as possible on learning goals in a variety of environments. Educators and families will need to work together to support the student's use of accessible materials and to monitor the change in the student's participation and achievement.

Learning through listening requires skills such as the following:

- Listening with the attention and intensity necessary to gain meaning from instructional materials
- Listening for extended periods of time (listening target is approximately 55 minutes at a time—the length of a typical secondary class)

Support Services

A student's IEP should describe any support services needed for effective use of various specialized formats. During the team meeting, those responsible for providing the formats should also be determined. Different support services may be needed for different formats. For example, a student using braille may require specialized instruction from a qualified teacher of the visually impaired, while a student with a physical disability may need the support of an occupational or physical therapist. Additional supports such as case management, classroom organization and arrangement, equipment management and maintenance, and file acquisition may also be needed.

Accommodations and Modifications

The use of AEM may require accommodations or modifications to a student's educational program. For example, a student may need classroom environment accommodations such as outlet access…cart from class to class…space (table) for equipment…or additional time to complete tasks due to the time required to use a specialize format. A student may need frequent breaks to avoid fatigue. Some students may need to provide responses orally rather than in writing. The team should consider which accommodations or modifications will be necessary when writing the IEP.

Implementation of AEM-WV in School Districts

The requirement for providing AEM to students is a relatively new provision. This section provides suggestions and information specific to school districts as they begin to implement AEM for all appropriate students. School districts can facilitate the use of specialized formats by:

- designating specific personnel to coordinate AEM-WV;
- sharing information about AEM and available supports to teachers and administrators;
- reviewing and revising county policies regarding AEM;
- developing and using a decision-making process to determine if students need AEM;
- communicating with school administrators about accessible materials that are available; and
- collaborating with RESAs and the WVDE.

SCHOOL DISTRICT: LEGAL OBLIGATIONS

Several federal mandates require school districts to provide Accessible Educational Materials to students with disabilities, including:

Individuals with Disabilities Education Act (IDEA) of 2004

- Ensures students with disabilities have access to the general education curriculum and receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE).
- Ensures students with disabilities who need instructional materials in accessible formats receive those materials in a timely manner, regardless of eligibility under the Copyright Act of 1931 as amended.
- Adopts the National Instructional Materials Accessibility Standard (NIMAS).
- Requires states and LEAs to use NIMAC or otherwise provide AEM. WVDE and all Local Education Agencies (LEAs), through their annual funding application, have opted to cooperate with NIMAC. NIMAC is a national repository that distributes NIMAS-compliant source files of textbooks and related instructional resources provided by publishers, as required by law and/or state contract.
- Requires the consideration of Assistive Technology for every student with an IEP. Assistive Technology is often required for effective use of AEM.

Section 504 of the Rehabilitation Act

- Protects the civil rights of people with disabilities in any program or activity receiving federal funds.

Americans with Disabilities Act (ADA)

- Protects civil rights and serves as a national mandate to fully integrate individuals with disabilities into the mainstream.

Note: AEM is a substantial component of decision-making for documenting transition services in the IEP, which are intended to bridge the gap from school to post-school settings.

WV AEM Responsibilities by School Personnel

School Personnel	AEM Responsibilities
Special Education Director	• Provide assurance to "opt-in" to the NIMAC when submitting their Special Education Plan • Identify personnel in the district who will assure that students who need AEM are offered appropriate materials and that materials are delivered to the student in a timely manner • Ensure that all required technology identified by the IEP Team is secured to enable the student to receive instructional materials at the same time as classmates (timely manner)
Principal	• Ensure that the training and delivery of AEM is accomplished • Ensure that students who would benefit from AEM are identified and served • Ensure student classes/schedule are Identified in sufficient time for the acquisition of materials (Spring) • Identify technology integration specialist (TIS) or comparable person to oversee AEM for the school • Ensure that all school purchase orders for instructional materials not on the WVDE approved adoption list contain accessibility language
Case Manager/Special Educator	• Review students on caseload to identify struggling readers (see page 6) • Prioritize students to begin determination of need for AEM • Utilize the AEM Navigator (http://AEM.cast.org/navigator) or comparable process for AEM • Provide AEM Navigator Student Summary to the IEP Team for consideration • In collaboration with the curriculum leader and general educator, ensure all instructional materials are secured to enable the student to receive materials at the same time as classmates (timely manner) • Ensure that daily lesson plans include accessible materials • In coordination with the technology integration specialist (TIS), provide student specific training for AEM to teachers, students and family (see page 25)
Curriculum Leader	• Ensure that all instructional materials not on the WVDE approved adoption list that are considered meet the accessibility requirements • Work with district's curriculum specialist to ensure that all POs for instructional materials not on the WVDE approved adoption list contain accessibility language • In collaboration with the case manager/special educator and general educator, ensure all instructional materials are secured to enable the student to receive materials at the same time as classmates (timely manner)

School Personnel	AEM Responsibilities
General Educator	• Review class roster and identify students who struggle with print-based materials. (See Overview Checklist for AEM in appendix.) • Consider AEM as a support for students within Support for Personalized Learning (SPL) • In collaboration with the special educator or the SAT Team representative, identify which students may benefit from AEM (see page 6) • Ensure all students in classroom have instructional materials in an accessible format • Ensure that daily lesson plans include accessible materials • In collaboration with the curriculum leader and case manager/special educator, ensure all instructional materials are secured to enable the student to receive materials at the same time as classmates (timely manner)
Technology Integration Specialist (TIS)	• Coordinate/provide specific training on tools for AEM to teachers, students and family • Collaborate with case managers to identify the teachers, students and families to be trained • Become familiar with the technology and delivery of AEM for all students in the school • Oversee the technology integration within the school • Assist in the training of the staff in the building and oversee the implementation of the devices and technology

IEP Team	• Review AEM Navigator Student Summary or comparable report to determine need for AEM, required format(s), technology, training and other supports needed
	• Select format(s) needed for each print instructional material that will allow:
	  • *access to printed materials*
	  • *increase independence*
	  • *develop literacy skills*
	  • *participate in educational activities*
	• Discuss need and use of specialized formats across environments including the home
	• Ensure IEP reflects appropriate technology, training (operational and functional) and other supports for student
	• Ensure IEP reflects appropriate training for teachers and families
	• Ensure transition services consider and document AEM related to post-school goals for education, employment and adult living

Resources

AEM Navigator:
http://AEM.cast.org/navigator

AEM/NIMAS Technical Assistance: Search NIMAS at
http://aem.cast.org/

Bookshare:
http://www.bookshare.org

Learning Ally:
http://www.learningally.org

Louis Database
http://louis.aph.org/catalog/CategoryInfo.aspx?cid=152

National Center on Accessible Educational Materials:
http://www.nimac.us/

West Virginia AEM:
http://wvde.state.wv.us/osp/accessiblematerials.html

WV Instructional Resource Center:
http://wvsdb2.state.k12.wv.us/pages/WestVirginiaSchools_Deaf_Blind/Instructional_Resource_Center

References

Maine Accessible Educational Materials. http://www.maine-aim.org/

Michigan's Integrated Technology Supports. AEM-NIMAS. http://mits.cenmi.org/aimnimas.aspx

National Center on Accessible Educational Materials. http://AEM.cast.org/

Appendix - Glossary

Assistive Technology - Any item, piece of equipment, or product system, whether acquired commercially or off the shelf, modified, or customized, that is used to maintain, or improve functional capabilities of individuals with disabilities. Individuals with Disabilities Education Act (IDEA).

Competent Authority - A "competent authority" must certify students as having a print disability. For students (already found IDEA eligible) who are blind, have a visual impairment or have physical limitations, the competent authority may be a school official such as a social worker, special educator, school psychologist or a medical professional. Students with reading disabilities resulting from an organic dysfunction must be certified as having a print disability by a medical doctor.

Instructional Resources - core materials that are written and published (available for purchase) primarily for use in elementary and secondary school instruction and are required by a state education or local education agency for use by students in the classroom.

IDEA - Individuals with Disabilities Education Act (IDEA) of 2004 - Federal statute requiring free appropriate public education (FAPE) for students with disabilities who require special education and related services.

Organic dysfunction - the cause of the reading disability is physically based and it does not include reading difficulties that are caused by social or environmental factors, or educational deficiencies. Examples of an organic dysfunction may include conditions such as dyslexia, dyscalculia, dysgraphia, and aphasia. The requirement for a physician's certification as indicated in Superintendent's Memo #174-13 could include the physician's review of a student's educational record that provides documentation from assessments that show characteristics of the above conditions, such as dyslexia. http://tinyurl.com/parxt77

Print Disability - refers to the criteria under the provisions of the 1931 Act to Provide Books to the Adult Blind, as Amended. Individuals with a print disability are those who have been certified by a competent authority to be unable to read or use standard print instructional materials because of:

- blindness,
- visual impairment,
- physical limitations, or
- reading disabilities resulting from an organic dysfunction (certified by a licensed physician)

Specialized Formats - includes braille, large print, audio and digital text

Timely Manner - provide instructional resources in specialized formats when needed by students with identified disabilities without delay, typically at the same time as other students receive instructional materials.

Appendix - Overview Checklist for AEM

Think about each student you serve independently. Consider the student's: sensory, physical, and cognitive capability; reading level (decoding, word recognition, comprehension and fluency skills); grades; classroom performance; and levels of academic proficiency in all subject areas.

Consideration Points:

- Can the student see the material well enough to read the information on a level comparable to other classmates?
- Can the student physically manipulate the material without strenuous effort?
- Does the student have the necessary stamina to read standard materials for extended periods of time?
- Does the student have the decoding, fluency and processing skills needed to gain information from grade-level printed materials?

Check all that apply:

- ❑ The student is unable to read traditional grade-level print instructional materials.
- ❑ The student is unable to read at a rate with comprehension to complete academic tasks with success, relative to same-age peers.
- ❑ The student cannot do the above independently or across environments.

If any of the above boxes are checked, the student may need AEM.

General Educator: Refer to the special education teacher if the student has an IEP or to the SAT Team if the student does not have an IEP.

Special Educator: Use the AEM Navigator or comparable process to determine whether the student needs AEM.

NOTE:
Other considerations may impact whether the student needs AEM:

- Is the student a proficient English language speaker?
- Has the student received appropriate instruction in reading and math?

Appendix - Need-to-Know

What You Need to Know About National Instructional Materials Accessibility Standard (NIMAS) and Accessible Educational Materials (AEM)

A GUIDE FOR DECISION-MAKING TEAMS

Legal Obligations

Several federal mandates require districts to provide Accessible Educational Materials to eligible students with disabilities, including:

Individuals with Disabilities Education Act (IDEA) of 2004

- Ensures students with disabilities have access to the general education curriculum and receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE).
- Ensures students with disabilities who need instructional materials in accessible formats receive those materials in a timely manner, regardless of eligibility under the Copyright Act of 1931 as amended.
- Adopts the National Instructional Materials Accessibility Standard (NIMAS).
- The SEA and LEAs either opt to cooperate with the National Instructional Materials Accessibility Center (NIMAC) in acquiring materials in accessible formats for eligible students with IEPs who have print disabilities (for whom copyright is waived), or the LEA must provide the materials through other means. At present, WVDE and all LEAs have opted to cooperate with NIMAC. NIMAC is a national repository that distributes NIMAS-compliant source files of textbooks and related core materials provided by publishers, as required by law and/or state contract.
- Additionally, IDEA requires the consideration of Assistive Technology for every student with an IEP. Assistive Technology is often required for effective use of AEM.

Section 504 of the Rehabilitation Act

- Protects the civil rights of people with disabilities in any program or activity receiving federal funds.

Americans with Disabilities Act (ADA)

- Protects civil rights and serves as a national mandate to fully integrate individuals with disabilities into the mainstream.

What are Accessible Educational Materials (AEM)?

In general, AEM refers to accessible, specialized formats such as braille, large print, audio and digital text. In digital form, AEM can be: read with text-to-speech software; modified with regard to font size; navigated by unit, chapter, section and page number.

- Images include alternative text and long descriptions when appropriate.
- Math equations are provided as images with text descriptions.
- Order of content, levels and headings are appropriately formatted.

What is a Print Disability?

A print disability is generally considered to be a condition related to blindness, visual impairment, physical disability or a reading disability based on an organic dysfunction in which the student requires an alternative or specialized format (i.e., braille, large print, audio, digital text) in order to access the content. A student must be "certified by a competent authority" as having a print disability. While this defines a print disability, it is important to remember that not all students with disabilities will need accessible materials, and not all who need the materials qualify to receive materials from NIMAC. The individual student's "decision team", i.e., IEP team or Section 504 team, will determine whether the student needs accessible materials. Only a student with an IEP who has a print disability qualifies to receive AEM from NIMAC.

Establishing Need

Not all students with disabilities will need AEM. If the student is able to gain meaning from conventional print-based materials for educational participation and achievement, he/she does not need a specialized format. If not, the Decision-Making Team should review the student's evaluation information (including standardized and authentic assessments) and present levels of academic achievement and functional performance to determine whether the student has a print disability and, if so, what the cause may be. Considerations should include:

- Does the student have difficulty seeing the material? (blindness or low vision)
- Does the student have difficulty physically manipulating the material? (orthopedic impairment)
- Does the student have the physical abilities/stamina necessary to use conventional print-based materials?
- Does the student have difficulty decoding text/recognizing words?
- Does the student have difficulty with fluency?
- What is the student's reading comprehension level vs. listening comprehension level?

Other Considerations Regarding Need

- Is the student a proficient English language speaker?
- Has the student received appropriate instruction in reading and math?

If the answer to either of these questions is "no", the provision of AEM may not lower barriers to participation and achievement. Other supports, such as focused instruction, must be considered.

Environment and Tasks

In order to receive a free and appropriate public education (FAPE), the Educational Team should consider the environments in which the student interacts.

- Core academic classes
- Community-based programs
- Home

Consider the tasks the student is required to do and determine the appropriate format to accomplish the task.

Decision-Making Team Considerations

Consideration of AEM requires broad perspectives and expertise. Students should be involved in all decisions. Additionally, assistive technology specialists and parents are essential to this process.

Decision-Making Teams should consider the following query:
Does the student require accessible, alternate format versions of printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction and are required for use by students in the classroom?

The Decision-Making Team should specify the following:
- The specific format(s) to be provided (braille, large print, audio, and digital
- text).
- The services and/or assistive technology the student needs to use the specialized format.
- The individual, or individuals, responsible for providing the specialized format.
- Whether or not the format is required to be used in the student's home or in another setting in order for the student to receive a free appropriate public education (FAPE) .

The need should be documented in the student's IEP or Section 504 Plan:
Additional supports will likely be necessary for the implementation of Accessible Educational Materials, including assistive technology and appropriate training for staff, student and family. IEP Teams must consider whether assistive technology is needed for all students with an IEP.

Acquiring Materials in Specialized Formats

Copyright
Not all students will be eligible under the Copyright Act of 1931 as amended. This does not, however, negate the school's obligation to provide the materials. Documentation is essential to ensure compliance with copyright laws. Districts are encouraged to develop policies and/or procedures to track distribution and use of Accessible Educational Materials. Specialized formats are intended for eligible students, and it is illegal to distribute them to students who are not eligible without publisher permission, regardless of whether they would be beneficial. Additional information regarding copyright can be obtained at: http://www.loc.gov/nls/eligible.html.

Districts are advised to seek advice from their legal counsel regarding copyright law and student eligibility.

Acquisition Options

Once it has been determined that a student requires a specialized format, the team must determine where and how to acquire the materials. Options include:

- Instructional Resource Center (blind/low vision)
- Bookshare.org
- LearningAlly.org
- Publishers
- Other commercial options

Not all materials will be available in the specialized format required. In such cases, districts may need to create the materials. Districts are encouraged to seek advice from their legal counsel if this is necessary to ensure compliance with copyright obligations.

Student Meets Eligibility for Both IDEA and Copyright Act

For students who have a disability and have an IEP under IDEA and also have a print disability as defined above:

- Textbook Publishers have agreed to provide their materials in an accessible standard to the National Instructional Materials Accessibility Center (NIMAC).
- Accessible media producers create and produce materials from the NIMAC files for students who meet the above criteria.
- Bookshare and Learning Ally are authorized to access these files for West Virginia eligible students.
- LEAs may obtain AEM through the above authorized users.

Student Does Not Meet Idea and Copyright Act Criteria

For a student who has a disability but does not meet the criteria to receive materials in coordination with NIMAC, potential sources of materials may include commercially available published materials, internet resources, copyright-free or open source material and locally created materials. Bookshare and Learning Ally also may be sources of materials that are not restricted by the NIMAC eligibility requirement.

Appendix - Verification of Eligibility to Use NIMAS-Sourced Materials

Student Name _____ Date: _____
Last *First* *M.I.*

Date of Birth _____

School and District _____

School Contact Person _____

The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) provide that blind persons or other persons with print disabilities include:

(i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.
(ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
(iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
(iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

Competent authority is defined in 36 CFR 701.6(b)(2) as follows:

(i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation/special education teachers).

Name _____

Title _____

(ii) In the case of a reading disability, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

Doctor of Medicine
I certify that this student has a disability of sufficient severity to prevent reading printed educational materials at a reasonable rate, this disability is NOT based on a lack of instruction or a lack of facility with the English language.

Signature _____ Date _____

This form need only be signed once and then kept in the student's file.

State of West Virginia – Form DOE105

Physician Authorization/Certification of Need Form

Student Name _____
Last *First* *M.I.*

Date of Birth _____

Medicaid Number _____

The following services have been included on the above-named student's Individualized Education Plan.

Service	***X = Included on IEP***	***Service Amount (times per week and/or minutes)***
Speech Therapy/Audiology		
Physical Therapy and/or Occupational Therapy		
Accessible Educational Materials*		

*Not applicable to Medicaid funding but to certify that this student has a disability of sufficient severity to prevent reading printed educational materials.

Local Education Agency's Special Education Director or Designee (optional):
I verify that the above-identified services are included on the student's Individualized Education Program (IEP).

Signature _____ Date _____

Physician Authorization
I authorize the above identified services as recommended on the student's Individualized Education Program as medically necessary.

Signature _____ Date _____

Notes

Notes

Notes

Acquiring Accessible Educational Materials* (AEM) for Students

Definition of AEM: AEM (previously called AIM) are materials that are designed or converted in a way that make them usable across the widest range of student variability. AEM is the exact same content presented in formats other than print. The Individuals with Disabilities Education Act of 2004 (IDEA) requires state and local education agencies to provide printed instructional materials in specialized formats in a timely manner to elementary and secondary school students with disabilities who need them. Students with learning disabilities (SLD) and working in the general education environment may need AEM. Students without IEPs may be more academically successful and/or independent when given a choice of an alternative format. Providing AEM to all students from the beginning of lesson planning is a proactive approach to provide alternative ways for all students to access grade level print materials.

Step by Step Guide to Acquisition

- Step 1: Identify students that are unable to read traditional grade-level print educational materials, or are unable to read at a rate with comprehension to complete academic tasks with success, or are unable to do it independently across environments.

- Step 2: Complete AEM Navigator to determine if AEM is appropriate. If AEM is appropriate, then the team or individual teacher can work with the student to determine in what environments AEM is needed. To better understand student preferences, the teacher and student can complete the AIM Explorer. The AIM Explorer will help you identify what features of accessible materials are most helpful to the student. The decision of what device and software you need begins here.

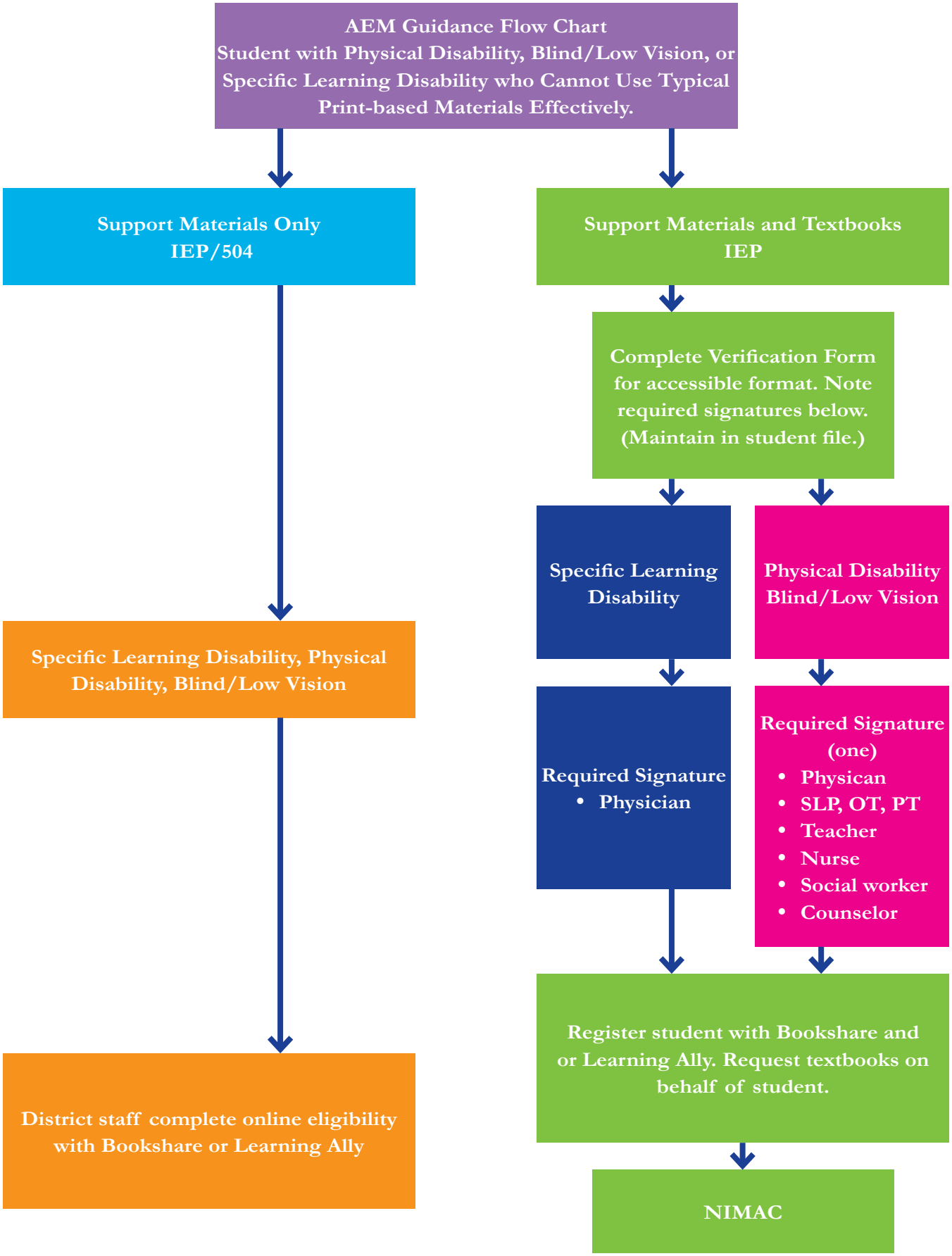
- Step 3: To acquire textbooks, first contact the publisher to see if an accessible format is available. If it is not available from the publisher, students with IEPs and a print disability that is documented by a medical doctor may obtain the textbook through Bookshare or Learning Ally.

  Documentation of AEM should be embedded throughout the IEP. Guidance for this can be found at http://wvde.state.wv.us/osp/accessiblematerials.html.

  For students without IEPs, districts must purchase accessible textbooks directly from the publisher. This content may contribute to the type of device and software you will use.

- Step 4: For non-textbook materials, all students with a print disability can obtain materials through Bookshare or Learning Ally and of course, through any open resources available. Examples of these open resources include accessibility features in the hardware, Chrome apps and all the other numerous accessible materials and software available on the Internet. Please note that if implementing Universal Design for Learning, all students, including those without disabilities, should have access to these tools.

See the WVDE AEM Guidance Document for complete details on this process.


AEM Guidance Flow Chart
Student with Physical Disability, Blind/Low Vision, or Specific Learning Disability who Cannot Use Typical Print-based Materials Effectively.
Support Materials Only
IEP/504
Support Materials and Textbooks
IEP
Complete Verification Form for accessible format. Note required signatures below. (Maintain in student file.)
Specific Learning Disability
Physical Disability
Blind/Low Vision
Specific Learning Disability, Physical Disability, Blind/Low Vision
Required Signature
• Physician
Required Signature (one)
• Physican
• SLP, OT, PT
• Teacher
• Nurse
• Social worker
• Counselor
District staff complete online eligibility with Bookshare or Learning Ally
Register student with Bookshare and or Learning Ally. Request textbooks on behalf of student.
NIMAC

ONE VOICE
ONE FOCUS
All Students Achieving

West Virginia Department of EDUCATION

Michael J. Martirano, Ed.D.
State Superintendent of Schools