

USIMAC LAW

FEDERAL REGISTER

In order to meet its responsibility under IDEA 2004 states must ensure that children with disabilities who need instructional materials in accessible formats are provided those materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.

(§300.172)

UTAH STATE BOARD OF EDUCATION RULES UTAH SCHOOLS FOR THE DEAF AND THE BLIND

R277-800-12. Utah State Instructional Materials Access Center (USIMAC).

- A. The Board authorizes the establishment of the USIMAC to produce core instructional materials in alternative formats to ensure that all students with print disabilities qualified under the Chafee Amendment receive their materials in a timely manner.
- B. The USIMAC shall provide materials for all students with print disabilities who are qualified under the Chafee Amendment or otherwise eligible through an IEP or Section 504 accommodation plan.
- C. The USOE shall oversee the operations of the USIMAC.
- D. The USDB is the fiscal agent and operates the USIMAC to the extent of funds received annually from the Utah Legislature.
- E. LEAs may purchase accessible instructional materials using their own funding or request the production of accessible instructional materials in alternate formats from the USIMAC in accordance with established procedures to ensure timely access for students with print disabilities. F. For LEA textbook requests submitted by April 1 of the preceding school year, the USIMAC shall provide the textbook in the requested alternate format by the beginning of the following school year.
- G. The USDB ERC shall serve as the repository and distribution center for the USIMAC.
- H. Operation of the USIMAC
- (1) Qualifying students: A student qualifies for accessible instructional materials from USIMAC (Braille, audio, large print, digital formats) following LEA determination that the student has a print disability in accordance with the Chafee Amendment, IDEA,



- (2) Costs for developing core instructional materials:
- (a) Textbooks for blind, vision impaired or deafblind students served by the USDB or LEAs shall be requested by the LEA consistent with the student's IEP or Section 504 accommodation plan.
- (b) When an LEA requests a core instructional textbook that was published before August 2006, the USIMAC shall conduct a search for the textbook within existing resources and, if available, the textbook shall be sent to the ERC for distribution to the LEA.
- (i) If the textbook is not available within existing resources, the USIMAC will conduct a search to determine if the textbook is available for purchase through another source.
- (ii) If the textbook is available through the American Printing House for the Blind (APH) the textbook shall be ordered and sent to the ERC for distribution to the LEA.
- (iii) If the textbook is not available from APH, but is available from another accessible media producer, the textbook shall be purchased and sent to the ERC for distribution to the LEA.
- (iv) If the textbook is not available for purchase, the USIMAC will produce the textbook and send it to the ERC for distribution.
- (A) The USIMAC shall purchase the LEA-requested textbook in accordance with copyright law. The cost of the student edition textbook shall be charged to the requesting LEA.
- (B) The USIMAC shall produce the textbook in the LEA requested alternate format in accordance with the cost sharing outlined in the Interagency Agreement described in R277-800-6.
- (c) The sharing of costs for purchases described in R277-800-12 shall be outlined in the Interagency Agreement described in R277-800-5. The presumption is that the LEA shall pay 75 percent of the cost and USIMAC shall pay 25 percent of the cost.
- (d) For textbooks published since August 2006, the USIMAC shall follow the same procedures outlined in R277-800-11H(2)(b). If the USIMAC is unable to obtain the NIMAS file set in a timely manner as a result of publisher negligence, the Board shall authorize USIMAC to seek damages from publisher(s) as a result of the failure to meet contract provisions.
- (3) Textbook publishers required to meet NIMAS requirements:
- (a) All approved textbook contracts for the state of Utah for instructional materials published since August 2006 shall include a provision for making NIMAS file sets available through the NIMAC in accordance with IDEA and USOE Instructional Materials Contract timelines.
- (b) If the USIMAC is unable to obtain the NIMAS file set from the NIMAC because the publisher fails to provide the NIMAS file set to the NIMAC in accordance with IDEA and USOE Instructional Materials Contract timelines, the USIMAC shall bill the textbook publisher the difference in the cost of producing the alternate format textbook without benefit of the NIMAS file set.



(c) The publisher shall be advised of the rule; the Utah Instructional Materials Commission under R277-469 shall not approve textbooks and materials from publishers that have a pattern of not providing materials and textbooks for students with disabilities in a timely manner, consistent with the law and Board rules. (d) Requests for audio books shall be accessed through the USIMAC as appropriate or through the Recording for the Blind and Dyslexic (RFB&D) and Bookshare. Membership is required for RFB&D and Bookshare and the request is the responsibility of the LEA designated as the responsible entity for serving the student in the IEP or Section 504 accommodation plan.

H.B. 296 THE UTAH SCHOOLS FOR THE DEAF AND THE BLIND Part 5. Utah State Instructional Materials Access Center

523	53A-25b-501. I	nstructional	Materials	Access	Center
-----	----------------	--------------	------------------	---------------	--------

524 <u>(1) The Utah State Office of Education shall collaborate with the</u> Utah Schools for the

525 <u>Deaf and the Blind, school districts, and charter schools in establishing the Utah State</u>

526 <u>Instructional Materials Access Center to provide students with print</u> <u>disabilities access to</u>

527 <u>instructional materials in alternate formats in a timely manner.</u>

528 (2) The board shall make rules, in accordance with Title 63G,

Chapter 3, Utah

530

529 Administrative Rulemaking Act, to:

(a) establish the Utah State Instructional Materials Access

Center;

531 <u>(b) define how the Educational Resource Center at the Utah</u> Schools for the Deaf and

532 <u>the Blind shall collaborate in the operation of the Utah State</u> <u>Instructional Materials Access</u>

533 <u>Center;</u>

534

(c) specify procedures for the operation of the Utah State Instructional Materials

535 Access Center, including procedures to:

536 <u>(i) identify students who qualify for instructional materials in</u> alternate formats: and

537 <u>(ii) distribute and store instructional materials in alternate</u> formats;



538	(d) establish the contribution of school districts and charter schools			
towards the cost of				
539	instructional materials in alternate formats; and			
540	(e) require textbook publishers, as a condition of contract, to provide			
<u>electronic file</u>				
541	sets in conformance with the National Instructional Materials			
Accessibility Standard.				