

NCAC Policy Group White Paper for Policy, Property & Permissions: A Discussion of Accessible Curriculum Materials on Ordering, Producing, and Obtaining Accessible Versions of Curriculum Materials for K-12 Students with Print Disabilities

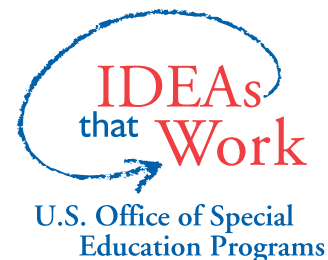
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“Learning is the goal. Print is only one manifestation.”

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The opinions expressed herein do not necessarily reflect the policy or position of the U.S. Department of Education, Office of Special Education Programs, and no official endorsement by the Department should be inferred.



I. Introduction

The initial **Policy, Property & Permissions** meeting (entitled “Policy, Property and Permissions: A Discussion of Accessible Curriculum Materials”) was held on October 17-18, 2002 at Harvard Law School. This meeting was conceived of, developed and sponsored by the Berkman Center for the Internet and Society at Harvard Law School, The Harvard Children's Initiative (HCI), the National Center on Accessing the General Curriculum (NCAC) at the Center for Applied Special Technology (CAST), and the Association of American Publishers (AAP). Participants included representatives from major publishers of K-12 textbooks and other curricular materials as well as intellectual property attorneys, academics, and technology developers.

The immediate focus of the meeting was to determine the best ways to meet the needs of “currently eligible” (which, under the Chafee Amendment to the Copyright Law¹, means print-disabled) students for digitized versions of textbooks without infringing on copyright holders' rights. The group also explored the long-range issue of imbedding digital curriculum materials with features and supports that could enable them to be used to help all students access the general curriculum to the fullest extent of their capabilities.

Ultimately, the group decided to prepare a series of white papers to address specific factual and legal issues raised at the meeting.

One such issue was deciphering the various methods for ordering, producing, and obtaining accessible versions of curriculum materials for K-12 students with print disabilities in different states. The group discussed the divergent ways that individual states handle student needs for such materials, as well as the range of laws, funding structures and policy stances that states take on this issue. It was decided at the meeting that the NCAC policy team should explore the range of state approaches to this issue and circulate its findings on the ways in which accessible materials are ordered, produced and obtained in several different states.

Toward this end, the NCAC policy team has pursued two research projects. The first project was a study of the laws of all fifty states concerning accessible materials. The policy team determined that, although many states are refraining from addressing this issue -- often due to a desire to wait and see if elements of the federal Instructional Material Accessibility Act (IMAA) will be incorporated into the reauthorized Individuals with Disabilities Act -- some states have enacted their own laws to set standards and enable students to obtain accessible textbooks more quickly and easily.² Information concerning these laws and practices will soon be made publicly available through the NCAC website. In addition, the website will provide links to the texts of relevant legislation and relevant contact numbers for further information.

¹ Chapter I of Title 17, U.S.C.

² While the IMAA itself has been tabled, significant parts of the IMAA are incorporated into the current IDEA bill, S 1248: Individuals with Disabilities Education Improvement Act of 2003, which the Senate will consider this fall.

The second project was a follow-up meeting specifically focused on the delivery of accessible materials in different states. The meeting was held at CAST on May 2, 2003 and was organized and moderated by the NCAC policy team. Participants included a small group of invited guests who are actively involved in the ordering or production of accessible materials in five diverse states (California, Kentucky, Texas, Massachusetts and New York) and the NCAC Policy team. The meeting was also attended by the NCAC's Project Officer (a federal DOE/OSEP representative), representatives from RFB&D (Recording for the Blind & Dyslexic, which is a major producer of digitally recorded textbooks)³ and representatives of CAST.⁴

This report, which is based on the NCAC policy group's independent research and the discussions which were part of the May 2, 2003 meeting, was prepared to serve as the foundation of the NCAC Policy group's white paper on ordering, producing and obtaining accessible versions of materials for K-12 students with print disabilities. It is being provided to participants in both **Policy, Property and Permissions** meetings to inform further discussions concerning accessible curriculum materials.

³ Another invited organization was the American Printing House for the Blind (APH), which maintains the Louis repository of accessible versions of textbooks. However, due to scheduling conflicts, APH was unable to participate in this meeting.

⁴ Contact information for meeting participants is provided in the appendix section of this document.

II. Report on Ordering, Producing and Obtaining Accessible Materials for K-12 Students with Print Disabilities in Five Selected States (Kentucky, New York, California, Massachusetts and Texas)

A. Kentucky⁵

1. Kentucky's Accessible Materials Law

Since July, 2002 the law in Kentucky has required the state DOE to give preferential procurement status to textbook and instructional materials from publishers who make their materials available in accessible format for students with disabilities.⁶ Since July 2003, all publishers whose textbooks have been adopted must provide specified computer files or electronic versions of the items suitable for the creation of alternative format materials.

The stated purpose of the law is as follows:

...to assure, to the extent feasible, that all students with disabilities in the public schools kindergarten through grade twelve (12) who require reading accommodations in accordance with an individualized education program or... Section 504 Plan, **including but not limited to students who are blind, visually impaired, or who have a specific learning disability as defined in KRS 157.200 or other disability affecting reading**, shall have access to textbooks and instructional materials as defined by administrative regulations of the Kentucky Board of Education in alternative formats that are appropriate to their disability and educational needs (*emphasis added*).⁷

The instructional materials provision has three levels of compliance:⁸

- Level 1: Full Compliance: (XML, XHTML or HTML format)
 - electronic file can be converted into anything
 - most amount of flexibility for expansion
 - file format compatibility
- Level 2: Provisional Compliance: (RTF or Word format)
 - electronic files can be converted into almost any format

⁵ Preston Lewis of the Kentucky Department of Education provided invaluable assistance in the drafting of this section.

⁶ Initially, the law simply gave preferential treatment to publishers offering digital versions of their products. Now, digital format editions are required or publishers cannot contract for book sales with the state.

⁷ It should be noted that no additional funding is provided to facilitate compliance with this law. Districts receive textbook funds annually through separate funding mechanisms.

⁸ The law also specifies acceptable formats. This is a rare provision in a state law and may have to be adapted if a national file format is set or federal legislation passes that supercedes such a requirement.

- Level 3: Marginal Compliance: (Unlocked PDF)
 - the electronic files have a marginal level of accessibility

Kentucky's accessible materials law is viewed as a very progressive law because it requires the state DOE to only accept textbook and instructional materials for the state adoption list after the publishers make their materials available in accessible format for students with disabilities. Schools learn about accessible products' formats and features (i.e., Level 1, 2 or 3). Vendors send sample text to schools and districts so that teachers can be "better consumers" and examine the materials. Then, textbook reviewers from the State Textbook Commission create a recommended adoption list of titles. In addition, Kentucky's law defines print disabilities broadly, allowing for the provision of alternative versions of materials to a wide range of students.

Kentucky is also interested in moving toward the use of digital curriculum as opposed to digital versions of static texts. There is a virtual high school and distance learning projects are being explored. In addition, Kentucky offered the first accessible web-based version of its state assessment (Commonwealth Accountability Testing System, known as "CATS Online") for use as an accommodation by eligible students with print disabilities in April of 2003.

2. Ordering, Producing and Obtaining Accessible Materials in Kentucky

One of the questions we presented to each of the state representatives at the May 2, 2003 meeting was: "How are Accessible Versions of Textbooks Ordered, Produced or Obtained in your state?" Preston Lewis at the Kentucky Department of Education responded on behalf of Kentucky, elaborating on the way that the current resource delivery system works and the way that the law facilitates the use of accessible materials.

The state of Kentucky has devoted funding to establish the Kentucky Accessible Materials Consortium (KAMC) at the University of Louisville. The KAMC is charged with serving as the central repository of accessible digital text, and reproduces and distributes these files to eligible students with print disabilities. The KAMC is currently reproducing and distributing digital versions of textbooks produced by the Universal Learning Center (ULC) at CAST. As a result of the new state accessible materials law, the KAMC is also in the midst of receiving and conducting an accessibility review of publisher files for materials tentatively approved for the 2003 State Adoption in the area of Practical Living and Vocational Studies (PLVS). These files will be available for distribution in 2004. Schools in need of these digital versions are required to appoint a Digital Rights Manager (DRM) to be responsible for monitoring local compliance with copyright provisions for use of these materials by authorized students. The DRM and school principal may then submit a request for the digital files in the KAMC repository once written assurances committing to upholding copyright protections are received from the school. Each school year a new content area is up for state adoption, so in five years all content areas will have been provided by publishers in accessible digital format for statewide distribution.

A source used by Kentucky to determine which materials need to be digitized is the Digital Text Network (DTN). The digital text network is a closed website. In order to

access it, teachers need to provide a set of assurances pertaining to copyright. It allows teachers to post what they need in digital formats, to see who else has digital versions of the materials they need and to share files. The state DOE also uses it to group and monitor what materials are needed and what patterns of use are emerging. Already, the DOE has observed districts changing what texts they are using based on what is available in an accessible format.

3. Identified Challenges and Concerns

The major challenge for Kentucky has been creating the regional and local support networks to facilitate teachers' awareness and use of digital curriculum. The state has enlisted the support of its eleven regional special education cooperatives. Each cooperative has been required to identify a Literacy/UDL Coordinator. These coordinators will assist their member schools in the installation and use of needed hardware and software, as well as in the identification of local and or regional content that needs to be made a part of the state digital repository (KAMC). Because curriculum is determined at the local and regional level, a considerable portion of it is often unique to each district and region.

In addition, although almost 1,000 Kentucky schools have acquired a site license for textreader software, assistance is needed from the regional UDL leaders in getting these site licenses utilized to their fullest potential to increase access to the general curriculum. This is especially true for students being served in inclusive settings.

B. New York

1. New York's Accessible Materials Law

Effective May, 2002, New York adopted a law pertaining to accessible materials.⁹ However, unlike Kentucky's law, New York's law contains no publisher requirements.¹⁰ Rather, it places responsibility on each school district to establish and maintain a written plan outlining how they will provide modified instructional materials to students with special needs at the same time that their peers receive the materials. Districts do not have to submit their plans to the Department of Education, although they have to make them available on request.¹¹

The purpose of the legislation is to help students with special needs obtain accessible materials in a timely fashion. The current system was designed to require districts to plan in advance for a wide range of potential student needs, even if they do not have students currently in need of alternative format versions of instructional materials. The law does not specify which disabilities should be contemplated. This allows districts to take a broad approach to the issue and plan to meet the needs of a wide range of students. Consequently, each individual district is free to choose acceptable formats and decide the eligibility of specific disabilities for itself.

⁹ Text of the law can be found at: <http://www.vesid.nysed.gov/specialed/publications/policy/afatt3.htm>

¹⁰ There is, however, language in the law that encourages districts to give special consideration to publishers who publish materials in alternative formats.

¹¹ New York also has a separate Braille-specific legislation.

In New York, there is no formal clearinghouse where the districts can get materials, but there is a resource center at the School for the Blind in Batavia, NY. At the resource center, people from any New York district can ask staff for recommendations on where to get books or materials in alternative formats. In addition, the school maintains a lending library repository and provides technical assistance to districts. However, all of their materials are in Braille or large print.¹² This resource center has been in place for many years, well before current state legislation was adopted. However, the resource center is not responsible for maintaining any data or information on what is being sought or by what district.

2. Ordering, Producing and Obtaining Accessible Materials in New York

At the May 2, 2003 meeting, Fred DeMay and Dan Ryan of the New York DOE, Office of Vocational and Educational Services for Individuals with Disabilities (VESID) participated by telephone. They elaborated on the impact of New York's accessible materials law and the ways in which accessible materials are obtained in New York.

Under the current system, the cost of procuring alternative format versions of instructional materials is carried by the individual districts. The districts have resources either through quota or state funds.

There is no centralized ordering or resource-sharing process, nor is there a statewide digital text sharing network. The usual practice is to check with the State School for the Blind before seeking materials through other channels, but there is no requirement that this be done. In addition, if a teacher in one district scans a book for a student to use, there is no place for him or her to put it for the future use of others. Nor is there any formal process for the teacher to notify others (in the same district or in the state) that he or she has a digital copy of the scanned book.¹³

3. Identified Challenges and Concerns

One concern regarding the current system is the fact that there is no formal mechanism for inter-district communication. In addition, the current law does not require any level of centralized sharing of resources and information. Consequently, efforts are duplicated in many districts. Because the state does not formally monitor the districts' plans, there seems to be the potential for some districts to ignore the law or draft plans which are inadequate to meet students' needs.

Moreover, due to discrepancies in districts' resources, the level of services provided may be quite inconsistent from district to district. This could easily work to the detriment of students in districts with fewer resources or higher levels of student need. This problem may be compounded by the fact that the state is not monitoring compliance with this law nor providing additional funds to districts that are experiencing difficulty meeting students' needs for accessible materials.

¹² The resource center does have a teacher's aide who can do recordings, enlargement and translation of some teacher-made materials. However, the resource center does not make widespread use of scanners.

¹³ The state of New York does maintain a contract with RFB&D for the provision of recorded books for all qualified New York students with IEPs.

C. California

1. California's Accessible Materials Law

California's Education Code now requires publishers to provide e-files of any textbooks they sell in the state. California requires publishers to provide files that are compatible with what's being used (in the print version of textbooks) in terms of function, not just detailed specifications. Currently, most publishers are submitting rich text files because XML is not workable yet.

Although publishers are required to provide text files of the textbooks, they are not required to provide files for ancillary materials such as worksheets and workbooks. A central state repository, the Clearinghouse for Special Media and Technology (CSMT), is run by Rod Brawley, who participated in the May 2, 2003 meeting by telephone. He reported that it routinely takes three months or so to get all of the files on an adopted textbook. However, he noted that he usually receives acceptable specifications for RTF (rich text file) format. The publishers have attempted to be cooperative with the law's requirements, although some of the rich text files did not work well. With the help of transcribers, the Clearinghouse has been able to identify general specifications and work with the publishers to make the rich text files more usable. The publishers are also required to provide eight copies of the print resource, so the Clearinghouse produces, in sequence, textbooks, workbooks, library sets. These items are maintained in the CMST's large warehouse.

In addition, a new bill (SB 842) was introduced in February, 2003 and passed in September, 2003. The Council for the Blind co-sponsored SB 842 and there was no strong opposition. The goal of this legislation is not to require publishers to go back and retrofit existing textbooks. Rather, it is to encourage publishers to build accessibility into future editions. The legislation requires publishers of instructional materials produced after January 1, 2005 to make such instructional materials more accessible to students with disabilities.¹⁴

2. Ordering, Producing and Obtaining Accessible Materials in California

The textbook purchasing system in California for standard printed textbooks works as follows: California is an adoption state for K-8 (high school resources are adopted at the local level) and adopts on a seven year cycle (one subject per year): math, reading/language arts, history/social studies, science, health, performing arts, foreign language (grades 6-8 only). Once textbooks are adopted (currently, there are about 3,000 adoptions), schools can order them from the publishers. The state of California does not print any standard printed textbooks.

Teachers that want to order accessible versions of adopted books go through the state-supported Clearinghouse for Special Media and Technology (CSMT), which maintains an on-line catalog as well as a physical library. CSMT obtains teaching materials from publishers (e-files), by ordering transcriptions, by buying Braille and by

¹⁴ For text of the new legislation as well as the Senate and Assembly analyses, see http://info.sen.ca.gov/cgi-bin/postquery?bill_number=sb_842&sess=CUR&house=B&site=sen

publishing its own resources: Braille,¹⁵ large print, and books on tape (CSMT has in-office recording studios) in 2-track and 4-track formats. CSMT also has a library of approximately 300 videobooks, which are K-12 videos of a book being read aloud, with closed captions and a reader signing along with each page. The Clearinghouse is also exploring on-line access, MP-3's and other formats and methods of distributing accessible versions of curriculum materials.

For materials other than textbooks, the Clearinghouse struggles to produce and adapt as much curricula as it can. For example, the office seeks to modify videos, websites and specific software to make them more accessible. The office also maintains a library of American Sign Language Video Books, which include footage of children signing stories next to images from the books themselves. However, these videos are no longer in active production, despite the high demand for them from California schools.

The Clearinghouse distributes its materials to all California public schools at no cost to the schools. It serves high schools, too, but does not stock their inventory (since they do not follow a statewide adoption system). A statewide on-line sharing system (a list service known as "Braille and Teach") forms the basis of the high school Braille reimbursement program. Participants must first see if the book they need can be borrowed via "Braille and Teach." If it cannot, the participant can buy the item via Louis and submit a claim for reimbursement through CSMT (the claim must include proof that a loan was attempted prior to purchase). According to Rod Brawley, this system is "working beautifully."

In terms of eligibility for the CMST's services, disability is defined broadly. Students with visual impairments are obviously eligible. So are students with learning disabilities beyond visual impairments. The Clearinghouse has also sought to open up its recordings distribution system to all students who can benefit from the use of such resources. This includes students in other states who are unable to locate needed resources through other channels.

According to Rod Brawley, the time frame from the placement of a request to the receipt of materials varies considerably. If the Clearinghouse has an item, it can be picked up in Sacramento at media library or shipped. If it needs to be produced, this can take time. Routinely, the CMST produces alternative format versions of materials in anticipation of the need as opposed to in response to the need. Brawley notes, "It costs a little more, but it is the only way we have a chance of getting books to the students in a timely manner."

The CMST is federally funded through the California Department of Education's [Special Education Division](#). California has "Low Incidence Funds" for students who are hearing impaired, visually impaired, severely orthopedically impaired, or any combination thereof. Additionally a portion of California's Instructional Materials Fund supports the production and dissemination of CSMT's Braille, large print, recordings, and ASL VideoBooks. Local Education Agencies may also contribute money to the CMST, but they are not required to pay for state adopted textbooks. The cost of producing or

¹⁵ California has a state-central formatting effort for Braille. Other states and APH have invited formatters from California to teach strategies.

transcribing materials varies widely, depending on the length of the book and the needed format. Brawley recalls that the transcription of an algebra book for \$20,000 was the most expensive they had transcribed.

3. Identified Challenges or Concerns

Because California has such a well-established and comprehensive system, it works quite smoothly. However, one persistent issue for the Clearinghouse concerns International Standard Book Numbers (ISBN's). Often, the ISBN used to identify a book for adoption purposes differs from that used by publishers (sometimes due to revisions or subsequent printings), which requires research and slows down the book production and transcription processes. Moreover, the differences between editions of a book may be as small as a change to the title page. However, if the ISBN has been changed (despite the lack of substantive changes to the material the book contains), the Clearinghouse may spend considerable funds and resources unnecessarily re-duplicating the book.

D. Massachusetts

1. Massachusetts' Accessible Materials Law

Massachusetts has no state law requiring publishers to provide e-files for students with print disabilities.

2. Ordering, Producing and Obtaining Accessible Materials in Massachusetts

At the May 2, 2003 meeting, questions regarding the practices of the state of Massachusetts were fielded by Carrie Brasier, Library Director of The Massachusetts Vision Resources Library. The Library provides Braille and large print materials to visually impaired students. The Library views textbooks as a priority but will provide Braille versions of worksheets and supplemental materials as funding and time permit.¹⁶

Because Massachusetts is not an adoption state, it is up to each district to provide accessible materials to students that need them. According to Brasier, Massachusetts has the sixth highest population in the country of visually blind students. Approximately 2,000 K-12 students in Massachusetts receive funding-federal quota funds for APH materials (235 of these students use Brailled materials).

As a rule, Local districts do not independently provide their own Braille/large print texts. Rather, teachers seek materials through the Vision Resources Library. It should be noted that the Library receives no state funding. The Library's annual budget is \$350,000 from the federal DOE/OSEP.

Brasier and her staff (two other full-time employees) obtain materials through a variety of sources. They contract to have textbooks transcribed.¹⁷ They also rely on the Louis repository and they purchase books from across the country and from Canada. To

¹⁶ Some school districts have scanners or paraprofessionals to handle these materials. Brasier can provide districts with a list of independent contractors the districts can contact to make accessible versions of workbooks if the Library cannot accommodate the district's needs.

¹⁷ Brasier reports that it costs anywhere from \$1,000 to \$10,000 to transcribe a single textbook.

meet districts' needs, Brasier requires that requests be submitted in March for textbooks to be used in September. Brasier also encourages local districts to put specific language in their contracts with publishers so that electronic files will be provided up front. Brasier notes that "When teachers request disks, they take whatever they can get." Consequently, she makes it her practice to accept whatever the publishers are willing to provide, which is usually ASCII. She has found that publishers are usually responsive to her inquiries and requests, so she routinely contacts publishers directly.

3. Identified Challenges and Concerns

Brasier echoes the concern raised above with regard to California's system in terms of wasting efforts and resources to duplicate nearly identical books with disparate ISBNs. She also has found that because transcribers are allowed to retain the rights to the files they prepare (and can profit by re-selling the files to others who need the same resources), this limits the likelihood of file-sharing.¹⁸

Brasier also noted that although her office does not officially serve (and is not funded to serve) students with print disabilities beyond visual impairments, she tries to help all print-disabled students that seek assistance. She is unaware of whether there is any Massachusetts organization or division of the state DOE devoted to providing accessible materials to learning disabled and physically impaired students who cannot access traditional textbooks. In preparation for the May 2, 2003 meeting, she contacted the state DOE to try to find a representative to address this issue, but no one responded to her inquiries. The NCAC Policy team encountered similar problems when trying to find a Massachusetts authority to address this issue.

E. Texas

1. Texas' Accessible Materials Law

Texas was the first state to pass a law requiring publishers to provide e-files. At first, the law was limited to Braille, but it was later expanded to include modifications for non-visually-impaired students with print disabilities, such as dyslexia. Texas Education Code, Section 31.028 (b), states:

The publisher of an adopted textbook shall provide the agency with computerized textbook files for the production of Braille textbooks or other versions of textbooks to be used by students with disabilities, on request of the State Board of Education. A publisher shall arrange computerized textbook files in one of several optional formats specified by the State Board of Education.¹⁹

¹⁸ Rod Brawley contributed that they have seen this problem in California, too.

¹⁹ The complete text of the education code may be accessed at:
<http://www.capitol.state.tx.us/statutes/ed/ed0003100toc.html>

In addition, Texas State Board of Education rules [Texas Administrative Code (TAC), Title 19, Part II, Chapter 66. State Adoption and Distribution of Instructional Materials] further direct that:

(c) On or before the deadline specified in the schedule for the adoption process, each publisher of newly adopted instructional materials shall provide computerized files as specified in the proclamation to be used for producing Braille or other versions of materials to be used by students with disabilities. All information contained in adopted instructional materials shall be included on the computerized files. Computerized files may be copied and distributed to a school district, upon request, for instructional use with a student with disabilities who requires the use of computerized instructional materials, pursuant to an individualized plan developed for the student under the Rehabilitation Act, §504; the Americans with Disabilities Act; or the Individuals with Disabilities Education Act.²⁰

2. Ordering, Producing and Obtaining Accessible Materials in Texas

At the May 2, 2003 meeting, Texas was represented by Jim Allan of the Texas School for the Blind and Visually Impaired and Chuck Mayo of the Texas Education Agency.²¹ They noted that the state of Texas is an adoption state. In order to participate in an adoption in Texas, publishers must provide computerized files of adopted print textbooks for production into Braille. Included in each proclamation (call for bids for instructional material from the publishing industry) is a section on accessibility information for that particular proclamation.

The current proclamation, Proclamation 2001 (state adoption 2003, school implementation 2004-2005), includes specifications for producing computerized files for the production of Braille textbooks.²² In Proclamation 2002 (state adoption 2004, school implementation 2005-2006), there are also requirements for producing accessible web-based, CD-ROM, and DVD-based textbooks. According to Chuck Mayo of the Texas Education Agency (TEA), Proclamation 2002 may be altered in format before actual state adoption, especially given the current budget crisis, but accessibility requirements should survive.²³

²⁰ The complete text of the TAC can be found at the following web page:
<http://www.tea.state.tx.us/rules/tac/chapter066/index.html>

²¹ Chuck Mayo participated by telephone.

²² See <http://www.tea.state.tx.us/textbooks/proclamations/index.html> to view Proclamation 2001 in its entirety.

²³ Regarding use of language like “requested” (as opposed to requiring publishers to provide electronic format etc.), Mayo states that “we intend to notify school districts of which publications are accessible, then let school districts decide what they want to adopt.” He also notes that Proclamation 2002 can be distinguished from the IMAA because “IMAA is about textbooks; this (proclamation 2002) is more about materials that are already provided electronically.”

In Texas, orders for all textbooks are submitted to the TEA. The Texas School Districts send their orders on-line and they are categorized by publisher in the central TEA. To order alternative format versions of curriculum materials, teachers contact their school district's textbook coordinator. Textbook coordinators, in turn, place their districts' orders for Braille or large type materials via the Internet using an automated online system (EMAT). State school districts send their orders for audiotape materials directly to Recording for the Blind and Dyslexic.²⁴

If a teacher is interested in receiving computerized files, the district notifies the Texas Education Agency (TEA) of their need and the agency checks on the availability of the requested files. A letter is sent to the school district superintendent stating copyright guidelines the district is expected to follow. If the superintendent agrees to comply with all the guidelines, he/she signs the letter and returns it to TEA. TEA then places the orders with the organizations that house the files.²⁵ Texas does not share electronic files with other states, due to intellectual property concerns. However, Texas has encouraged its contractors and transcribers to sell materials to other states.

With regard to funding, Texas does not have an existing or pending law or bill providing money for instruction of teachers or students regarding the use of alternative format versions of textbooks.²⁶ Braille or large print textbooks are provided free to the school districts through \$2 million dollars in funding that is disbursed bi-annually. It should be noted that it costs approximately \$7,500 to transcribe a Braille master copy of 500 page book. Then the book is maintained on open forum and copies can be produced.

Texas has increasingly sought multimedia versions of adopted textbooks (see Proclamations 2001 and 2002, *supra*). Sometimes, this has resulted in resistance from publishers, particularly since Texas seeks voluntary rather than mandatory compliance with its accessibility guidelines. However, even when publishers provide multimedia versions of textbooks, there can be problems in the schools because the infrastructure required to get the computer-based products up and running and to teach the teachers and students to use them are not necessarily in place.

3. Identified Challenges or Concerns

One difficulty confronting educators and accessible materials providers in Texas is the fact that the state does not have a single state clearinghouse for accessible versions of curriculum materials. Requests are channeled through the Texas Education Agency and forwarded to the appropriate Braille producer that houses those materials. However,

²⁴ Inclusion of learning disabilities to the eligibility guidelines for accessible materials has allowed RFB&D's services in Texas to grow significantly.

²⁵ The TEA then submits a request to the repository where the file is kept, if there is a copy on file. Usually, these files are located in the Houston, Dallas or San Antonio repositories. They are then provided to the requesting school district with the direction that they be returned to the repository when finished. According to Mayo, if the material needed is already held in an electronic file format, the turn-around time is a matter of days.

²⁶ As Jim Allan of the Texas School for the Blind notes, quota funds are a line item in the federal budget that funds APHB and they set a dollar figure of approximately \$200 per visually impaired student. Says Allen, "When you think about what Braille books cost, you run through that money really quickly." Particularly in Texas, which has 7,500 visually impaired students.

since there are only three Braille Production Centers in the state, there is often a “feast or famine” situation. Producers rush for September deadlines and then everything slows down. Jim Allen suggests that there needs to be a system set up for better work-flow year-round.

In addition, Texas struggles with finding high quality transcribers, especially for science and math textbooks (e.g. Nemeth Code transcribers). This is a problem that was echoed by the representatives of several of the states that were represented at the May 2, 2003 meeting. There seems to be a nationwide shortage of high quality transcribers.

F. The Role of Accessible Materials Providers

Example: RFB&D

Recording for the Blind & Dyslexic (RFB&D) began as a voluntary organization in the post-WWII years for G.I. Bill veterans with disabilities. The national group, then known simply as “Recording for the Blind” began recording books for the visually impaired and this informed its continuing focus on recording textbooks. The group serves students from kindergarten through graduate school. It also serves a significant number of blind or visually impaired non-students because it produces books not available in the commercial marketplace. According to the group’s president, Dick Scribner, “We’ve always had a lot of cooperation from the publishing community. We’ve earned this by being very respectful of their interests. We are focused on specific needs.”²⁷

In 1995, the group added “& Dyslexic” to its title due to its growing awareness that learning through listening helps groups other than the visually impaired. As George Kerscher notes, many learning disabled students hold a book and listen at the same time. Dual reinforcement helps them with comprehension. Because they receive this support and do not need to decode words, their enjoyment and comprehension is heightened.

The organization currently has 32 recording studios throughout the country. Books are read by 5300 active volunteers. The volunteers record the entire books except for the indexes. They also provide verbal descriptions of all charts, graphs and other non-text elements. Length of recording varies considerably. To record a textbook, it takes a reader anywhere from a month to a number of months if it’s a long technical book. For the year ending June 30, 2003, 260,000 copies of books were distributed to be used by approximately 130,000 individuals in every state. In addition, RFB&D maintains a library with approximately 93,000 titles. The group will add approximately 4,000 new books to its library this year. The group is currently recording all of its books in digital format to offer more robust search features and improved navigation. This also permits the user to speed up or slow down the reading speed without voice distortion.

Financially, the group derives support from a mix of sources. For a long time it was funded by private philanthropy and that remains a major component of its funding. However, according to Dick Scribner, RFB&D’s President, “We began to realize that if we were ever going to serve more people, we were going to need other sources of

²⁷ For example, RFB&D’s books are not supposed to be used for ESL.

support.” Currently, RFB&D receives direct funding from the federal government, as well as from several individual states through a variety of contracts. For example, the state of New York, as previously noted, has a contract with RFB&D. Also, RFB&D receives fees from certain individuals, schools and counties for the use of its libraries.

Users still need special readers to access RFB&D’s recorded books. Books are currently produced on compact disks (44 hours on one CD is equivalent to 11 tapes) as well as the traditional analog tape format. Each digital user receives a RFB&D key and PIN (personal identification number) to unlock the book. This is intended to prevent unauthorized copying. The DAISY player also has the capacity to play mp3 files and regular compact discs.

III. Wrap-Up: Common Threads and Issues Remaining with Regard to Ordering, Producing and Obtaining Accessible Materials for K-12 Students with Print Disabilities

- 1) Duplication of effort within states and across states.
- 2) Much of the curriculum needed by print-disabled students remains outside of the text.
- 3) Problems of advance notice (and lack thereof) for production – last minute scrambling to produce books, delays and quality deficiencies that may result.
- 4) State policies vary re: funding, importance of regionalism, attitudes on sharing. Much greater potential for sharing exists than is realized, but major problem is funding (although intellectual property issues remain as well).
- 5) Conflicts of needs and goals of learning disabled and visually impaired communities. If reform efforts focus on texts, they won't be driven by digital curriculum but by digital texts, which still leaves problems for visually impaired students. However, much of current funding, policy and state law focuses on blind and low vision.
- 6) Publishers historically have not treated accessible materials as a marketable product.
 - a. But, says Jim Allan, 1/10th of 1% = Braille readers. Add LD and it's more significant. Turn captions on and you're helping LD, ESL, Chapter II kids, Title I and alternative learning styles = 45% of population in TX at least and in some districts it's almost 90% of students. That's a market!
 - b. But eligibility diagnosis framework from IDEA and narrow Copyright Law lock in current system.
 - c. Can we shift it to a market framework as opposed to eligibility diagnosis? So UDL. Rights look different when you have dollars on the table. We need to nail down what are the current costs.
- 7) No national standard for transcribers. It varies and people interpret it differently. They are trying to create a statewide standard in California, says Rod Brawley. Role of tagging? Importance of skilled transcribers, state formatting, support systems.
- 8) Should publishers be responsible for doing the Braille? David Rose suggests that perhaps they should.

IV. Appendixes

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B. Additional Resources**National Center on Accessing the General Curriculum (NCAC)**

www.cast.org/ncac

Recording for the Blind and Dyslexic (RFB&D)

www.rfbd.org

Kentucky Links and Contact InformationLinks

Department of Education: <http://www.kde.state.ky.us/>

Special Education:

<http://www.kentuckyschools.net/KDE/Instructional+Resources/Student+and+Family+Support/Exceptional+Children/default.htm>

Kentucky Assistive Technology Service Network

Tel: (800) 327-5287

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New York Links and Contact Information

Links

Department of Education: <http://www.nysed.gov/>

Special Education: <http://www.vesid.nysed.gov/specialed/>

New York State Technical Assistance Center: <http://math.buffalostate.edu/~tac/>

Textbook Legislation:
<http://www.vesid.nysed.gov/specialed/publications/policy/afatt3.htm>

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California Links and Contact Information

Links

Department of Education: <http://goldmine.cde.ca.gov/>

Special Education: <http://goldmine.cde.ca.gov/spbranch/sed/>

Clearinghouse for Special Media and Technology: www.cde.ca.gov/csmt

Contacts

Special Education Office

Tel: (916) 445-4613

Massachusetts Links and Contact Information

Links

Department of Education: <http://www.doe.mass.edu/>

Special Education: <http://www.doe.mass.edu/sped/>

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Texas Links and Contact Information

Links

Department of Education: <http://www.tea.state.tx.us/>

Special Education: <http://www.tea.state.tx.us/special.ed/>

Texas Assistive Technology Network: <http://www.texasat.net/>

Texas School for the Blind and Visually Impaired: <http://www.tsbvi.edu/>

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