

The Individuals with Disabilities Education Improvement Act of 2004

PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

SEC. 612. STATE ELIGIBILITY

(a) IN GENERAL—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions.

(23) ACCESS TO INSTRUCTIONAL MATERIALS

(A) IN GENERAL—The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register.

(B) RIGHTS OF STATE EDUCATIONAL AGENCY—Nothing in this paragraph shall be construed to require any State educational agency to coordinate with the National Instructional Materials Access Center. If a State educational agency chooses not to coordinate with the National Instructional Materials Access Center, such agency shall provide an assurance to the Secretary that the agency will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(C) PREPARATION AND DELIVERY OF FILES—If a State educational agency chooses to coordinate with the National Instructional Materials Access Center, not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the agency, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, shall enter into a written contract with the publisher of the print instructional materials to—

- (i) require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or
- (ii) purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

(D) ASSISTIVE TECHNOLOGY—In carrying out this paragraph, the State educational agency, to the maximum extent possible, shall work collaboratively with the State agency responsible for assistive technology programs.

(E) DEFINITIONS—In this paragraph:

(i) NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER—The term 'National Instructional Materials Access Center' means the center established pursuant to section 674(e).

(ii) NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD—The term 'National Instructional Materials Accessibility Standard' has the meaning given the term in section 674(e)(3)(A).

(iii) SPECIALIZED FORMATS—The term 'specialized formats' has the meaning given the term in section 674(e)(3)(D).

SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY

(a) IN GENERAL—A local educational agency is eligible for assistance under this part for a fiscal year if such agency submits a plan that provides assurances to the State educational agency that the local educational agency meets each of the following conditions:

(6) PURCHASE OF INSTRUCTIONAL MATERIALS

(A) IN GENERAL—Not later than 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, a local educational agency that chooses to coordinate with the National Instructional Materials Access Center, when purchasing print instructional materials, shall acquire the print instructional materials in the same manner and subject to the same conditions as a State educational agency acquires print instructional materials under section 612(a)(23).

(B) RIGHTS OF LOCAL EDUCATIONAL AGENCY—Nothing in this paragraph shall be construed to require a local educational agency to coordinate with the National Instructional Materials Access Center. If a local educational agency chooses not to coordinate with the National Instructional Materials Access Center, the local educational agency shall provide an assurance to the State educational agency that the local educational agency will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.