

Guidance for SEA and LEA Purchasing Agents

Whether an agency is purchasing print or digital educational materials, it is essential that both are available in a timely manner and fully usable by students who require accessible formats. When educational materials are accessible, learners with disabilities are able to read (visually, with audio, and/or tactile support), navigate, interact with, and express their ideas in an equivalent way to learners without disabilities. To support this goal, the following information is provided within this document:

- Contract or purchase order language for print or digital materials
- Recommendations for requesting product accessibility information
- Questions to ask if accessibility information is not provided

Contract or Purchase Order Language

The following language is to be included in all purchase orders, bid specifications, and contracts to increase the likelihood that students will be supported in a manner consistent with civil rights law and guidance issued by the U.S. Departments of Education and Justice.

Accessibility Language for Print Materials (Textbooks and Related Core Instructional Materials)

States and districts may modify the suggested language for purchase orders and contracts as they see fit.

By agreeing to deliver the materials marked with "NIMAS" on this contract or purchase order, the publisher agrees to prepare and submit, on or before (month/day/year) a NIMAS fileset to the NIMAC that complies with the terms and procedures set forth by the National Instructional Materials Access Center (NIMAC), (IDEA Title I, Part D, sec. 674(e)). The publisher also agrees to mark up materials eligible for NIMAS submission that contain mathematical and scientific instructional content by using the MathML modular extension (refer to latest applicable version number) of the [DAISY/NIMAS Structure Guidelines](#) as posted and maintained at the DAISY Consortium website.

Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher of its obligation to submit NIMAS filesets of the purchased materials to the NIMAC. The files will be used for the production of alternate formats as permitted under the law for students with print disabilities (IDEA Title I, Part B, sec. 612(a)).

Additional information about NIMAS is available on the [National AEM Center website](#) as well as through [the NIMAC](#).

Contract or Purchase Order Language for Digital Materials, Including Both Commercial & Open Educational Resources (OER)

Vendor represents that the digital materials delivered under this contract or purchase order conform to, at a minimum, the standards for accessibility as set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and its implementing regulations (36 C.F.R. § 1194).

Should any portion of the materials not conform to the aforementioned standards of accessibility, vendor agrees to provide a written explanation of the reason for non-conformance. Submission of an up-to-date, complete, and accurate Voluntary Product Accessibility Template (VPAT) will satisfy the requirement to provide a written explanation.

Additional information about the VPAT, which aligns with Section 508 Standards, is available on the [Information Technology Industry Council \(ITI\) website](#).

Recommendations for Requesting Product Accessibility Information

It is expected that product accessibility information will be made available upon request and that publisher/developer representatives are prepared to explain it. States and districts should request a current Voluntary Product Accessibility Template (VPAT) for the specific version of the product under consideration for purchase. A timeline on the provision of accessibility information and on the delivery of accessible versions of the products included within contracts and purchase orders may be imposed.

Benetech offers a [Global Certified Accessible](#) accreditation program to help publishers develop accessible ebooks. Purchasers should be aware of this certification should a publisher provide it as evidence of accessibility.

Questions to ask if accessibility information is not provided

When accessibility information is not provided—Contact the publisher or developer and ask the following questions:

- Who is the primary contact person for accessibility questions in your company/organization?
- Is the material compliant with Section 508?
- In what ways is it compliant?
- In what ways is it not compliant?
- Was the material created using [best practices for accessibility](#)?
- Was the material tested for accessibility, including by users with a variety of disabilities?
- What types of assistive technologies were used to test the product for accessibility?
- Under what conditions was the product tested for accessibility?

Additional questions to help determine how individual materials conform to the accessibility best practices specified in the Web Content Accessibility Guidelines (WCAG) are available on the [AEM Center website](#).