

New Directions for Campus Accessibility: The AHEAD Institute on E-Text Production

Policy and Procedures

Gaeir Dietrich

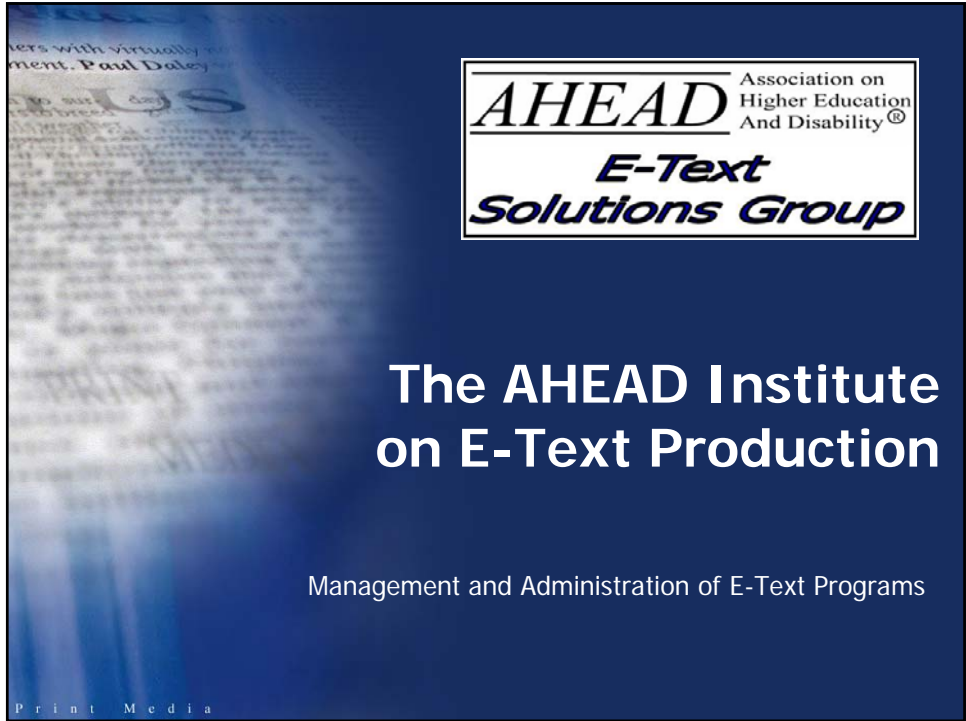
***High Tech Training Center Unit
California Community Colleges***

Ron Stewart

Association on Higher Education and Disability

AHEAD E-text Initiative Sponsors





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ment. Paul Daley

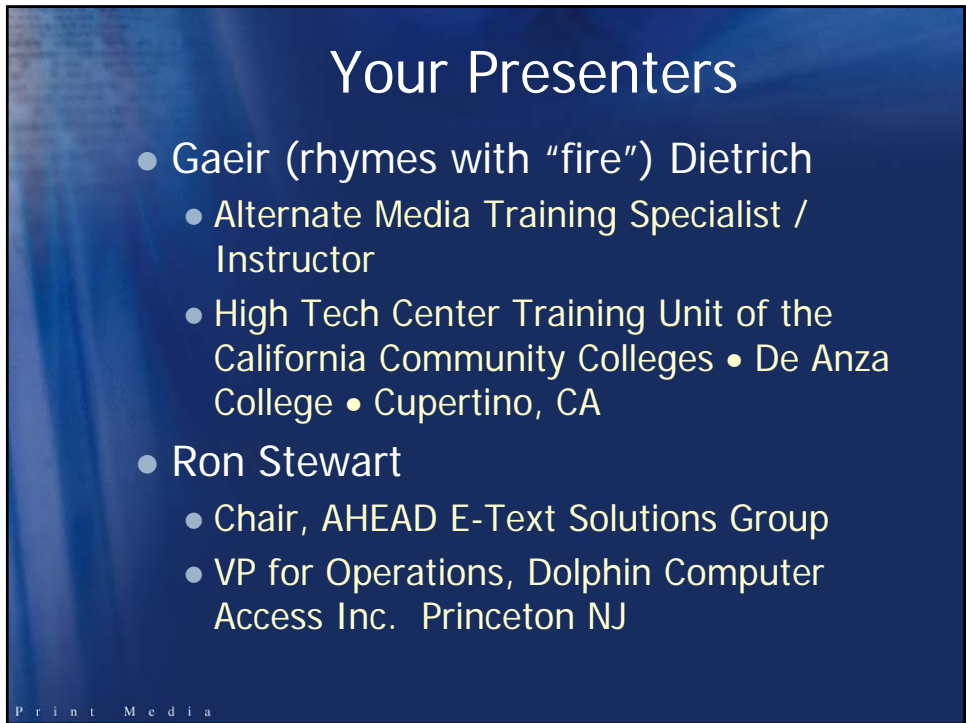
AHEAD Association on
Higher Education
And Disability®

***E-Text
Solutions Group***

The AHEAD Institute on E-Text Production

Management and Administration of E-Text Programs

Print Media



Your Presenters

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 - High Tech Center Training Unit of the California Community Colleges • De Anza College • Cupertino, CA
- Ron Stewart
 - Chair, AHEAD E-Text Solutions Group
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Print Media

Our Mission

- Finding comprehensive solutions to the issue of providing students with print disabilities access to books and other curricular materials in a manner that is timely and accurate.
- Insuring that the student with a print related disability is able to obtain the information needed for his or her education in a manner equivalent to that of their peers without disabilities

P r i n t M e d i a

Our Long Term Goal

Create
The
Darn
Thing
Once

P r i n t M e d i a

US Alt Format Projects

- Association on Higher Education and Disability
 - E-Text Solutions Group
- American Association of Publisher
 - Alt Format Strategic Initiative
- US Department of Education
 - National Instructional Materials Standard
 - National Instructional Materials Access Center

P r i n t M e d i a

AHEAD E-Text Solutions Group

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P r i n t M e d i a

Current Activities

- National Stakeholders Meetings
- AHEAD E-Text Survey
- E-Text Institute Trainings
- Best Practice Identification and Awareness
- National and International Partnerships
- AHEAD E-Text Resources Web Site
 - www.ahead.org/etext/etext_main.htm
- Partnerships and Cooperative Activities
- Research and Development Partnerships

P r i n t M e d i a

AAP - Alternate Format Solutions Initiative

- A national effort to identify ways to provide print-disabled postsecondary students with specially-formatted course materials on a timely basis.
- In light of the urgent need to address these problems, AAP will focus initial efforts on finding short-term solutions that can be implemented quickly, in addition to developing longer-term and comprehensive solutions that will be deployed as soon as practicable.
- Working in close cooperation with the AHEAD E-Text Solutions Group.

P r i n t M e d i a

Preliminary Recommendation

- Information Portal/Clearinghouse
 - Meta-Database of national holdings, despite “ownership”
- National Distribution Center for Publisher Files
 - Publisher owned and controlled source file clearinghouse
- Network of “Approved” Third Party Providers
 - Traditional “Authorized Entities”
 - Higher Education Production Entities.
 - Holder of “End User Files” and legacy materials
 - Subscription based self supporting system.
- Normalize, Professionalize and Streamline the Process
 - Best practices based
 - Gatekeepers established
 - Self controlling, self managing system
 - Education and awareness building at all levels of the process

P r i n t M e d i a

NIMAS

- Components
 - *NIMAS*
 - National standard for the development and promulgation of alternative format materials based on a subset of the DAISY/NISO standard.
 - *NIMAC*
 - National repository for NIMAS based files for all “curricular materials” adopted after June of 2006.
- Benefits
 - Copy write exception provided to publishers.
 - National standard adopted.
 - National repository established for files
 - Component of US National Disability Law for primary and secondary education

P r i n t M e d i a

NIMAS

- Issues and Dilemmas
 - Only applies to “Chaffee Population” not all print disabled students.
 - Does not apply to “Legacy Materials”.
 - Only applies to “Adopted” curricular materials.
 - No mechanism established for existing materials.
 - No ability to place existing or future student ready files back in NIMAC

P r i n t M e d i a

Current Situation

- Speed is the number one priority.
- Mastering technologies will not solve this problem
- Legislative cacophony is increasing and extremely counterproductive
- Greatest opportunity for fast results is to focus on the nitty gritty and fix the process.
- Efforts must be collaborative.
- Persistent project leadership is essential to coordinate and drive change.
- Widespread lack of understanding and respect for stakeholder perspectives and challenges inhibits effective collaboration
- Big gap between the leadership and the front lines within the publisher, education and disability community.

P r i n t M e d i a

Current Situation

- NIMAS is not a useful model for Higher Ed
- NIMAS/NIMAC experience provides valuable lessons.
- Institutions must meet the alternate format needs of more than just the Chafee population
- Multiple file format options are essential
- Efficiencies can come from a multi-faceted attack on the true problem areas.
- IDEA-like copyright waiver is needed to allow publishers to provide files without violating copyright

P r i n t M e d i a

The Bottom Line

- Opportunities exist for major improvements via a coordinated effort to fix the process and educate all the participants.
- The front line staff are woefully underprepared and undertrained to meet the projected need.
- Without the buy-in and active participation by both publishers and institutions, critical mass will be lacking and fiscal viability will be problematic.

P r i n t M e d i a

Systemic Challenges

- How does alt format fit into emerging education data management models?
- How do systems and institutions build the capacity to meet the projected student needs?
- How do we align the NIMAS effort with the developing postsecondary effort?
- How do we overcome the limitations of the Chafee defined population?
- How are the students with disabilities going to develop the level of technology literacy that will be necessary to use DAISY based materials?
- How do we bring the “true” curriculum decision makers into the process?
- How do we develop models that are scalable and flexible when we are working with a technology that is not yet ready for “prime time”?

P r i n t M e d i a

Challenges

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P r i n t M e d i a

Intro

- Most Common Types of Alt Format
 - Audio
 - Analog
 - Digital
 - Braille and Tactile Graphics
 - Hard Copy
 - Digital
 - Large print
 - Hard copy
 - Screen magnification of electronic text
 - CCTV based access
 - Electronic text

P r i n t M e d i a

Electronic Text

- What is E-text and
- What is not E-text?
- Types of E-text
 - Word processing
 - E-mail
 - HTML text
 - Some PDF's

P r i n t M e d i a

Why E-text?

- Text to speech
- Starting point for other formats
 - MP3
 - DAISY
 - Kurzweil/WYNN files
 - Braille
- Full curricular access

P r i n t M e d i a

File Formats

- Plain Text
 - ASCII (.asc)
 - Text (.txt)
- Almost Plain Text
 - Rich Text Format (.rtf)
 - PS and EPS
 - Text Encoding Initiative (.tie)
- Proprietary Formats
 - Office Applications (doc, .ppt, .xls, wpd)
 - Adaptive Technologies (kes, .ark, .brf)
- Web Delivered Formats
 - .htm, .html, xhtml, sgml, xml...

P r i n t M e d i a

File Formats

- PDF(Portable Document Format)
 - Image or Text Based
- Unix File Flavors
 - LaTeX (.tex)
 - Mime type (.tkl,)
- Compressed file formats
 - .zip, .bin, .tar, .arc
- Image File Formats
 - .gif, .jpg, .tif, .svg
- Multimedia File Formats
 - .mov, wmf, .mp3, smi, .mpg, .wav

P r i n t M e d i a

Who Uses E-text?

- Blind and visually impaired (VI) persons
- Persons with learning disabilities
- Persons who lack the ability to physically manipulate a book
- All of us when we work with text on a computer
- Probably about 1-2% of higher ed students require e-text for books

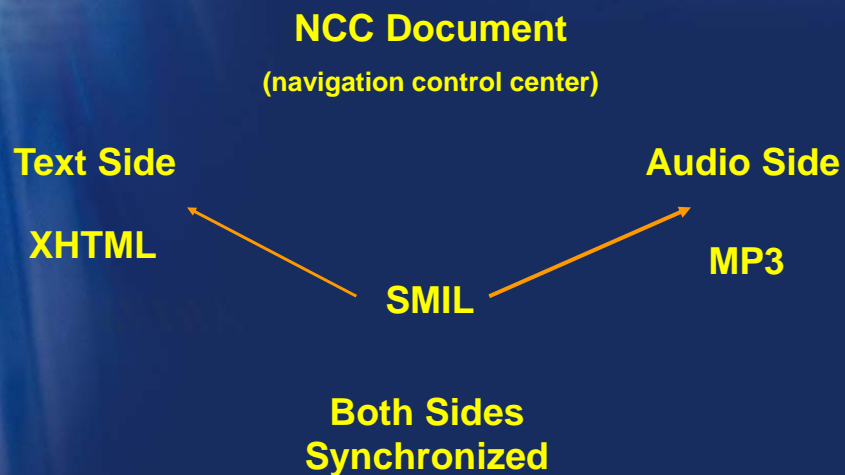
P r i n t M e d i a

Where Does E-text Come From?

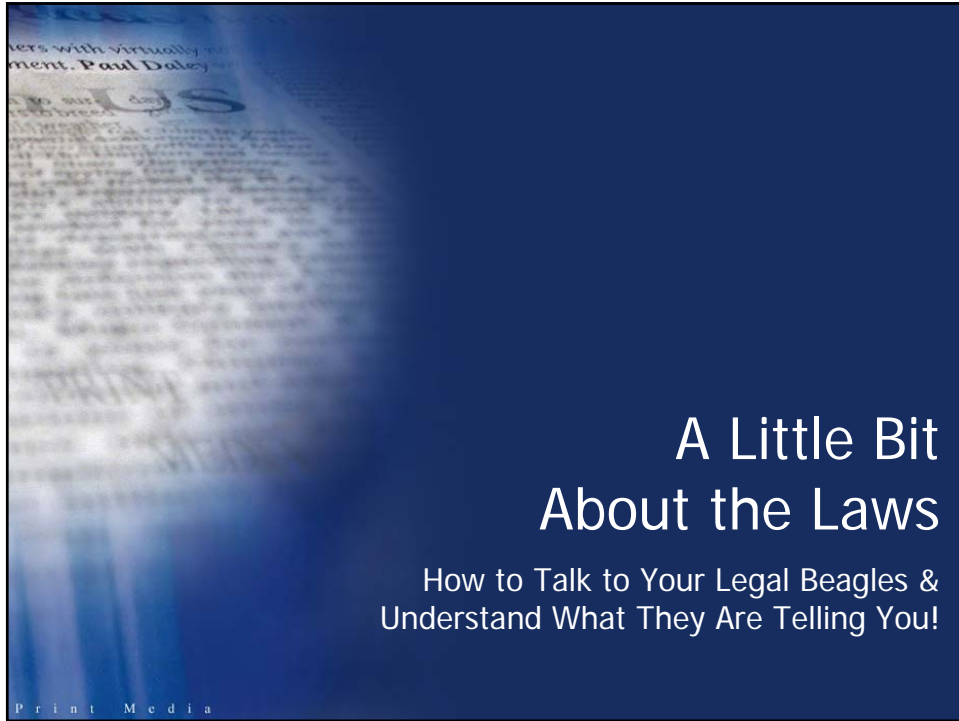
- Original documents
 - Word files
 - Files from layout programs
- Scanned documents
 - Scan a document, create a TIFF, use an OCR program, open the document in a word processor
- Source files from Publishers

Print Media

Parts of a DTB



Print Media

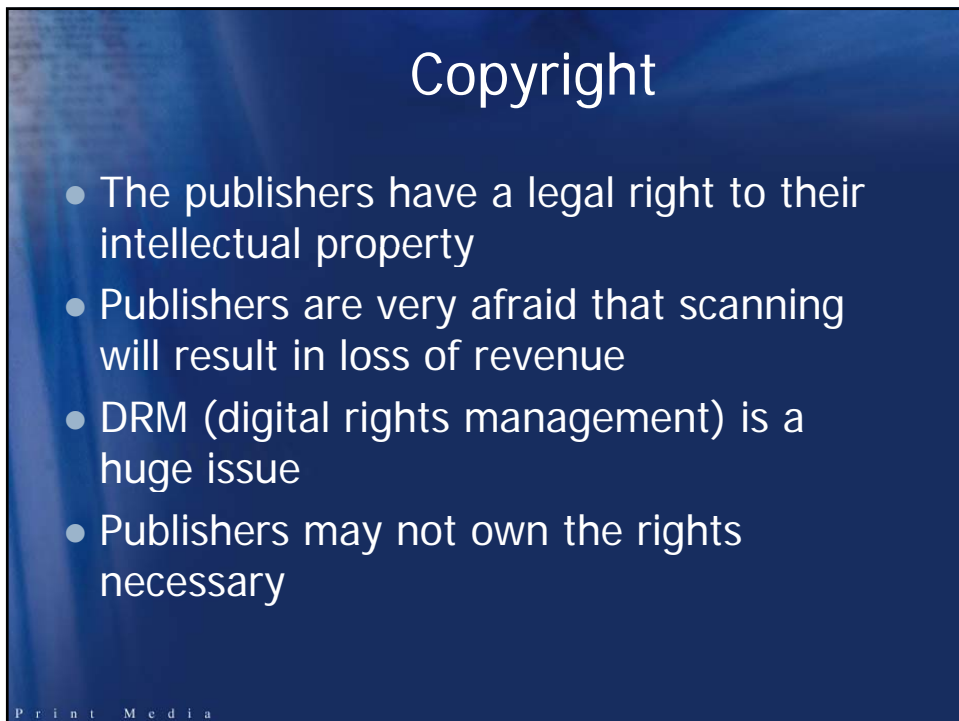


ters with virtually no
ment. Paul Daley

A Little Bit About the Laws

How to Talk to Your Legal Beagles &
Understand What They Are Telling You!

Print Media



Copyright

- The publishers have a legal right to their intellectual property
- Publishers are very afraid that scanning will result in loss of revenue
- DRM (digital rights management) is a huge issue
- Publishers may not own the rights necessary

Print Media

Laws Affecting These Issues

- Section 504 of the Rehabilitation Act of 1973 and ADA
- Section 508 of the Rehabilitation Act of 1973—as revised in 1998
- Office for Civil Rights (OCR) Interpretation
- Copyright Law
- Chafee Amendment
- State Postsecondary E-Text Laws and Implementation Guidelines

P r i n t M e d i a

Section 504

- 504: A recipient . . . shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

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ADA

- ADA Title II regulation: A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

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Section 508

- Standards
- Applies to federal government
 - Some states have adopted standards
 - Some states use as best practices model
- Electronic and Information Technology (E&IT)
- Web sites
- Application development
- Procurement

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OCR Comment on Title II

- Office for Civil Rights (OCR)
 - “[T]he issue is not whether a student with the disability is merely provided access, but the issue is rather the extent to which the communication is actually as effective as that provided to others.”
 - The student is entitled to “equal and equitable access” to the educational environment.

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Relevant OCR Cases

- California Community College (1998)
- City College of San Francisco (1998)
- California State College, Los Angeles (1997)
- California State College, Long Beach (1999)
- California State College, Fullerton (2004)
- Loyola Marymount University (1992)
- Brooklyn College (1996)
- Multiple complaints currently pending

P r i n t M e d i a

OCR Implementation

- Effectiveness is defined by three components:
 - timeliness of delivery
 - accuracy of the translation
 - provision in a manner and medium appropriate to the significance of the message and the abilities of the individual with the disability
- equivalent facilitation

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Chafee Amendment

- Public Law 104-197 (Chafee Amendment)
 - <http://www.loc.gov/nls/reference/factsheets/copyright.html>
 - "It is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities."

P r i n t M e d i a

Chafee Restrictions

- (A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;
- (B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and
- (C) include a copyright notice identifying the copyright owner and the date of the original publication.

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Authorized Entity

- Authorized entities are defined as “a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities.”
- Postsecondary institutions are typically considered to not be Authorized Entities.

P r i n t M e d i a

Fair Use

- Affirmative defense
 - Fair Use does not tell you what you can do; it is an argument under the law
 - Must be determined on a case-by-case basis
- Four factors:
 - purpose and character of use
 - nature of work
 - amount and substantiality of portion used
 - effect of use on potential market

P r i n t M e d i a

Arguments

- For educational purposes—in favor
- Exact copy—not in favor
- All of book—not in favor
- No economic impact—in favor

- Book for disabled student under ADA
- Publishers will not sue a customer
- Civil rights vs. Copyrights

P r i n t M e d i a

State Higher Ed E-text Laws

- California – AB 422 (1999)
- Arkansas – SB 537 (2001)
- Kentucky – SB 85 (2003)
- New Mexico – SB 305 (2003)
- Nevada – SB 62 (2003)
- New York – Chapter 219 (2003)
(Implementation Guidelines (July 2004,
rev. Nov. 30, 2004)
- Washington – SSB 6501 (2004)
- Laws currently pending in six states

P r i n t M e d i a

Summary

- Operating under Chafee is subject to debate
 - Not authorized entity
 - Lack of specialized format
 - Lack of copy protection
- Student owning the book allows us to argue fair use
- Student access is guaranteed under ADA
- Student access is required under 504

P r i n t M e d i a



Publisher Concerns

- Protecting resources
- Administration of e-text requests
- Content security
- Format issues
- Withholding of electronic rights by authors and other contributors, embedded copyrights
- Scanning required for older works.
- Fear of legal action if files aren't supplied/ fear of legal action if files are supplied

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AAP Position on Scanning

- When an accessible product becomes commercially available, colleges should leave to the publisher the role of providing the specialized format to the student.
- At that time, the material should be removed from any repository or college disability services office's files.
- You should always seek permission.
- You should always notify of production.

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Position on Security

- Physical Security is not presently feasible
- Encryption may be ineffective because of ability to share passwords
- Student Agreement
- Student Code of conduct
- Applicable copyright laws and penalties
- Possibilities for thumb printing or marking files for tracing
- Possibility of secure media in future

P r i n t M e d i a

Position on Security cont.

- Limited access
- Record keeping
- Education of staff and students
- Procedures and enforceable consequences for violation

P r i n t M e d i a

Digital Rights Management (DRM)

- DRM by inconvenience
- Imbedded DRM
- Key based DRM
- DRM wrappers
- Encryption
 - Simple Encryption
 - Full Encryption

P r i n t M e d i a

Responsibilities

Who Is Responsible for What?

P r i n t M e d i a

Who Is Responsible?

- It is not the publishers responsibility to provide access for students.
- While publishers may assist us by providing files, the institution is responsible under the law.
- The student has inherent responsibilities

P r i n t M e d i a

Institutional Responsibilities

- Provide access
- Access includes access to books and instructional materials
- Follow legal mandates
- Implementation policies
- Enforce consequences

P r i n t M e d i a

Disability Services Responsibilities

- Verify student documentation
- Keep documentation on file
- Protect file distribution
- Verify Ownership of material
- Enforce DRM practices

P r i n t M e d i a

Student Responsibilities

- Request services
- Provide documentation
- Agree not to duplicate or share material
- Sign policies and procedures
- Own copy of book
- Return materials if required

P r i n t M e d i a

Student Responsibilities

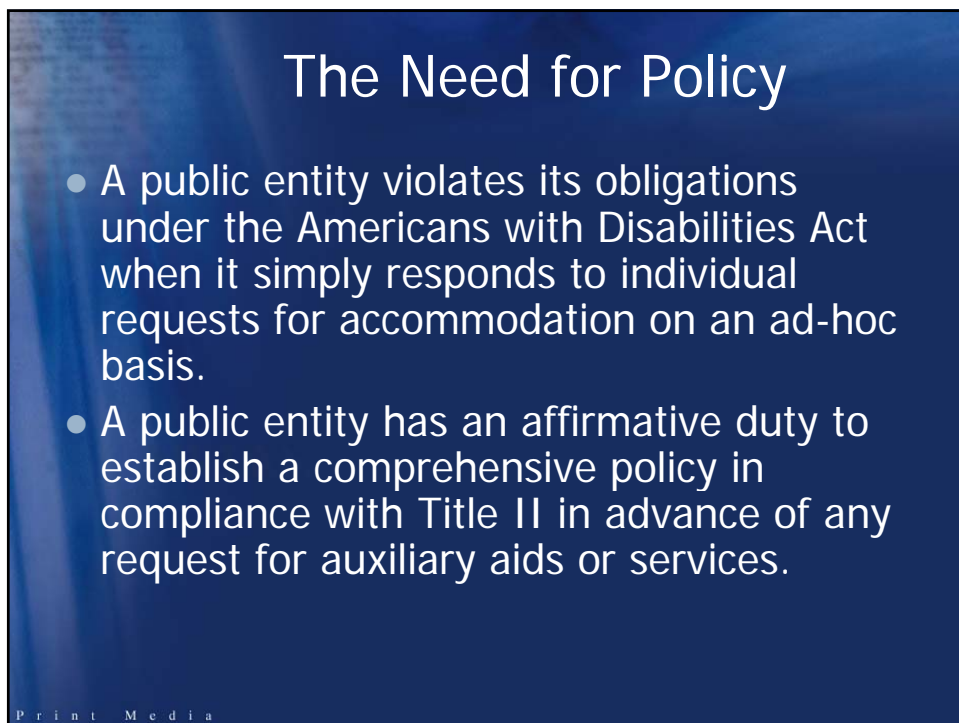
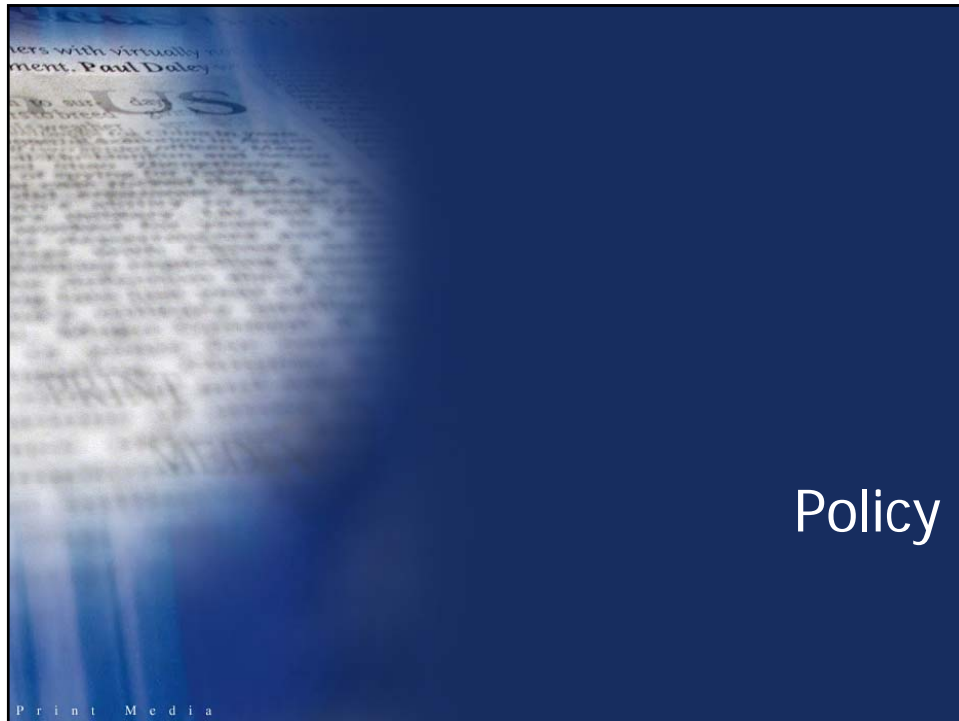
- Must have an idea of what they want/need.
 - Formats the work for them.
- Must be willing to communicate with support staff.
- Must understand and become part of the process.
- Must be able to triage their own materials.
 - Short turn around content.
 - Specificity of requests
- Must be flexible in getting their needs met.
- Must learn to use the technology.

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Handling Files

- Archive your e-text.
 - Keep copies for other students' requests.
 - Keep every file created at every step
 - TIFF files, OCR files, Word files, etc.
- Document use of file sharing systems
- Secure distribution systems
- Reporting and data collection systems

P r i n t M e d i a



Developing Policy

- Develop policies and procedures for provision of alternate format materials, especially
 - Eligibility
 - Request procedures
 - Timeliness of response
 - Security
 - Violations of security

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Developing Policy

- How will notice be provided by all agents of the institution on availability of alternate formats (library materials, institutional publications, etc.)
- What is considered essential course material or essential for student success
- How will material security be provided
- Process to deal with security violations.

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Getting Started

- At a minimum, you should articulate
 - Institutional commitment and institution-wide responsibility
 - Who is authorized to receive requests for alternate formats
 - How requests can be made
 - Notice/timeliness requirements
 - Consequences for non-conformance

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Determining Alt Media Policy

- Disability Services
- Campus administration
- Appropriate Dean or Senior Administrator
 - ethics issues
- Policies and procedures concerns
 - how to deal with a limited resource
 - how to plan for future access
 - how to include student input
 - how to get campus buy-in

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Establishing Policies

- Timelines and turn-around times
 - make requests, provide books, provide syllabuses
- New books for scanning (or no editing)
- Level of editing
- Optional books
- What formats
- Books will be disassembled and later rebound
- Working with the bookstore
- Disciplinary action for abuses
- Training students on technology

Print Media

Procedures

Making it work

Print Media

Create a Network

- Don't go it alone!
 - VH specialist/LD specialist
 - DS Director
 - Bookstore manager
 - Print shop manager
 - Head librarian
 - AV department
 - IT Department
 - A sympathetic computer technician
 - Teaching resources director
 - Distance learning coordinator
 - Curriculum committee
 - Faculty

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Common problem

- Problems buying the book holds up request to publishers
 - Order the book anyway, but do not release it to the student until s/he has a copy
 - Rehab can do more than one voucher for the student (e.g., if one late book is holding up the purchase)
 - Books not available before classes start

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Quality Issues

- All scans will require editing
- E-text from publishers will also require clean-up and secondary processing
- E-text from publishers is not always usable
- Determine the level of editing to do

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Copyright Issues

- Make sure students are very clear about their responsibilities
- Always include the title page and copyright info in the material you give students
- Cover yourself by including copyright disclaimer based on Chafee language

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Disclaimer Patterned on Chafee

- Specialized format for use by student with print disability. Any further reproduction or distribution of this material is an infringement of copyright law.
- Copyright 0000, Publisher name
- Include on CD label and as txt file on CD
- Require review for downloaded materials

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Availability

- American Printing House
 - Louis database
 - <http://www.aph.org/louis.htm>
- Alternate Media eXchange (AMX)
 - www.htctu.fhda.edu
- RFB&D
 - www.rfbd.org
- Bookshare
 - www.bookshare.org

P r i n t M e d i a

Contacting Publishers

- Check for an online form.
- Use your name, rather than student's, as requester
- Select the file format to be provided
- Issues with file formats offered by the publisher
 - often only txt or Word
 - identify level of structure in offered Word files
 - always request DAISY or XML

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Publisher Look-up

- AAP Web site
 - www.publisherlookup.org
- Lists publishers and their imprints
 - Who owns whom
- Links to publishers' Web pages
- Contact information

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Receiving Publisher Files

- E-mail
 - Need for 10MB account to receive files
 - Changing file extensions to avoid e-mail account constraints
- FTP
- Disc by mail
- Download

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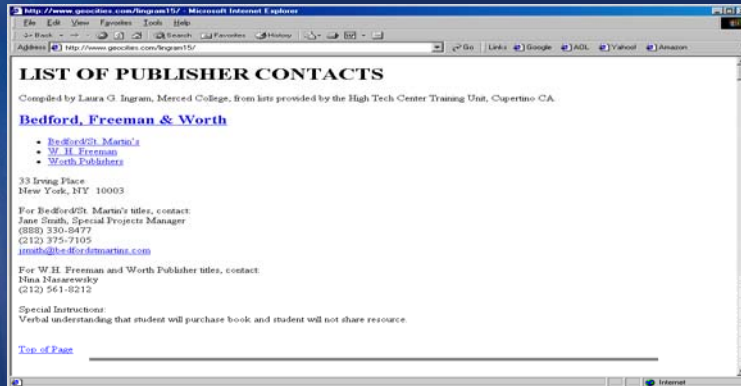
Resources

Helpful Sites

P r i n t M e d i a

Links to Large Publishers

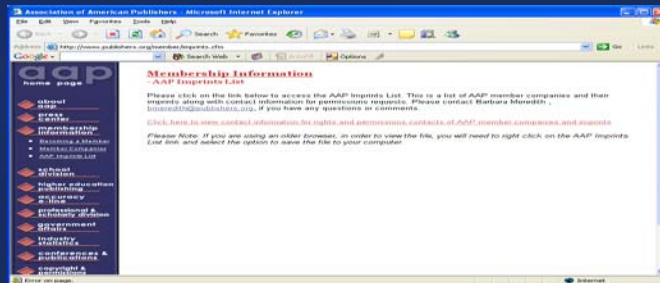
- www.merced.cc.ca.us/dss/publishers.htm



Print Media

Info on AAP Publishers

- From the American Association of Publishers (AAP)
 - www.publishers.org/member/imprints.cfm
 - www.publisherlookup.org



Print Media

Other Resources

- SUNY
 - www.tc3.edu/bcl/altformhandbook/
- High Tech Center Training Unit (HTCTU)
 - www.htctu.net
- AHEAD E-Text Solutions Group
 - www.ahead.org/etext/etext_main.htm

P r i n t M e d i a

Contact Information

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Sources of E-text

Arthur's Classic Novels	http://arthursclassicnovels.com/arthurs/search.html
Audio Books for Free	http://www.audiobooksforfree.com/
Bartleby	http://www.bartleby.com/
Baen Free Library	http://www.baen.com/library/
Bibliomania	http://www.bibliomania.com/
The Blind Bookworm	http://www.panix.com/~kestrell/sources.html
Bookshare	http://www.bookshare.org/
Camera Obscura	http://www.hicom.net/~oedipus/etext.html
Classic Reader	http://www.classicreader.com/
Digital Library—Online Books	http://digital.library.upenn.edu/books/
E-Editions—University of Nebraska Press	http://www.nebraskapress.unl.edu/e_editions.html
English Server	http://eserver.org/
4Literaturenet	
Hoover Institution	http://www-hoover.stanford.edu/publications/books/
Institute for Learning Technologies	http://www.ilt.columbia.edu/publications/digitext.html
Internet Public Library	http://www.ipl.org/
National Library Services	http://www.loc.gov/nls/
NetLibrary	http://www.netlibrary.com/
Online Literature Library	http://www.literature.org/
PoemHunter	http://www.poemhunter.com/eBooks/
Project Gutenberg	http://www.promo.net/pg
RFB&D	http://www.rfbd.org/
The Sound of Literary Works	http://verkaro.com/audio/doku.php
Tech Classics Archive	http://classics.mit.edu/
University of California Press	http://texts.cdlib.org/escholarship/titles_public.html
University of Virginia	http://etext.lib.virginia.edu/

Online Reference Resources

Category	Type	Web Site
Dictionary	Dictionary	www.dictionary.com
Dictionary	All Words	http://www.allwords.com/
Dictionary	Cambridge Dictionaries Online	http://dictionary.cambridge.org/
Dictionary	Children's Dictionary	http://www.wordsmyth.net
Dictionary	Confusing Words	www.confusingwords.com ,
Dictionary	Encarta	www.encyclopedia.com
Dictionary	Explanations of Technical Terms	http://whatis.techtarget.com/
Dictionary	MerriamWebster	www.m-w.com
Dictionary	One Look	www.onelook.com
Dictionary	Quotation Dictionary	http://www.askoxford.com
Dictionary	Talking Dictionary Program for VI	http://www.talkingsoftware.gothere.uk.com/html/talking_dictionary.html
Dictionary	Words Commonly Confused	http://homepage.smc.edu/reading_lab/words_commonly_confused.htm
Dictionary	Your Dictionary	www.yourdictionary.com
General Reference	General Reference	http://www.refdesk.com http://www.ipl.org
General Reference	Information on Web-related Issues	http://webreference.com
General Reference	Purdue University Guides for Doing Research	http://www.lib.purdue.edu/rguides

Category	Type	Web Site
General Reference	Research Site	http://www.itools.com
Grammar	Daily Grammar:	http://www.dailygrammar.com/archive.shtml
Grammar	Guide to Grammar and Writing	http://webster.commnet.edu/grammar/index.htm
Grammar	Hyper Grammar	http://www.uottawa.ca/academic/arts/writcent/hypergrammar/grammar.html
Grammar	Knowing the Basics of Grammar	http://web.uvic.ca/wguide/Pages/GrammarToc.html
Grammar	Grammar Lists	http://www.gsu.edu/~wwwesl/egw/grlists.htm
Grammar	Online Grammar References	http://www.andromeda.rutgers.edu/~jlynch/Writing/ http://www.chompchomp.com/terms.htm
Grammar	Online Writing Lab	http://owl.english.purdue.edu/
Grammar	Sentence Sense	http://webster.commnet.edu/sensen/part1/index.html
Grammar	The Online English Grammar	http://www.edufind.com/english/grammar/
Grammar	Reading/Writing Center Handouts	http://rwc.hunter.cuny.edu/writing/on-line.html
Legal	Legislative Info	http://thomas.loc.gov
Thesaurus	Online Thesaurus	http://thesaurus.reference.com
Tutorials	BrailleNote, etc.	http://atto.buffalo.edu/registered/Tutorials.php
Usage	Online Usage Guide	http://www.bartleby.com/usage/
Vocabulary	World Net Vocabulary Helper	http://poets.notredame.ac.jp/cgi-bin/wn

Special Font

American Printing House for the Blind (APH) has created a special font for low vision readers: <http://sun1.aph.org/products/aphont.html>

APHont™ (pronounced Ay'-font), was developed by APH specifically for low vision readers. APHont embodies characteristics that have been shown to enhance reading speed, comprehension, and comfort for large print users.

Previously, the APHont Regular portion of the APHont Suite was available free of charge on a PC-formatted floppy disk. This disk has been discontinued, but the entire APHont Suite is now available free of charge on the APH web site. The APHont Suite consists of Regular, Bold, Italic, and Italic Bold. One must certify use for or by a person with a visual impairment before downloading.

Features:

More even spacing between letters.

Higher crossbars.

No serifs.

Wider letters.

Heavier letters.

Underslung "j" and "q."

Letters more open.

Larger punctuation marks.

Sample End User Tools

Reading/voice output (blind, including screenreaders)

JAWS

WindowEyes

Kurzweil 1000

Dolphin HAL, Cicero

OpenBook

Connect Outloud (web access)

Reading/voice output (low vision and vision)

Kurzweil 3000

Premier Assistive Technology Suite

ReadPlease

WYNN

PDF Aloud

OpenBook

ZoomText w/screenreader

TextHelp Read&Write

CAST eReader

Scan and Read Lite

Dolphin Lunar Plus, Supernova, Cicero

Portable products

Dolphin Pen

Kurzweil 3000 Remote License-to-go

Premier Key to Access

DTB readers

Software

Victor Soft

Ease Reader

Players

Victor Wave/Victor Vibe/Victor Classic

Plextalk

Copyright Law Amendment, 1996:

Public Law 104-197

Under the Legislative Branch Appropriations Bill, H.R. 3754, Congress approved a measure, introduced by Senator John H. Chafee (R-R.I.) on July 29, 1996, that provides for an exemption affecting the NLS program. On September 16, 1996, the bill was signed into law by President Clinton.

The Chafee amendment to chapter 1 of title 17, *United States Code*, adds section 121, establishing a limitation on the exclusive rights in copyrighted works. The amendment allows authorized entities to reproduce or distribute copies or phonorecords of previously published nondramatic literary works in specialized formats exclusively for use by blind or other persons with disabilities.

The act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, sets forth the Chafee amendment as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that . . . and for other purposes, namely:

(a) IN GENERAL--Chapter 1 of title 17, *United States*

Code, is amended by adding after section 120 the

following new section:

"SEC.121. Limitations on exclusive rights: reproduction for blind or other people with disabilities

"(a) Notwithstanding the provisions of sections 106 and 710, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.

"(b)

(1) Copies or phonorecords to which this section applies shall--

"(A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;

"(B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and

"(C) include a copyright notice identifying the copyright owner and the date of the original publication.

"(2) The provisions of this subsection shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

" (c) For purposes of this section, the term--

"(1) 'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities;

"(2) 'blind or other persons with disabilities' means individuals who are eligible or who may qualify in accordance with the Act entitled 'An Act to provide books for the adult blind', approved March 3, 1931 (2 U.S.C. 35a; 46 Stat. 1487) to receive books and other publications produced in specialized formats; and

"(3) 'specialized formats' means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities."

(b) TECHNICAL AND CONFORMING AMENDMENT--

The table of sections for chapter 1 of title 17, *United States Code*, is amended by adding after the item

relating to section 120 the following:

"121. Limitations on exclusive rights: reproduction for blind or other people with disabilities."

For more information and a fact sheet on the Chafee Amendment, see the National Library Services Web site:

<http://www.loc.gov/nls/reference/factsheets/copyright.html>