

E BOOK

Closed Captioning Laws You Should Know & Follow

2 0 2 2



Contents

Preface.....	3
FCC guidelines for closed captions	4
FCC guidelines for closed captions for TV	4
FCC guidelines for closed captions for internet video programming	5
Americans with Disabilities Act (ADA) guidelines for closed captioning	6
NAD Vs. Netflix.....	7
21 st Century Communications and Video Accessibility Act (CVAA)	8
DCMP guidelines for closed captioning	9
Web Content Accessibility Guidelines (WCAG)	11
Rehabilitation Act (Section 504 & 508)	12
Conclusion	13



Preface

Did you know that closed captions are mandated by law?

One of the most important reasons to have closed captions is to make the content accessible to everyone, including deaf and hard of hearing viewers, students, and viewers who have English as a second language. In the early 90s, the Television Decoder Circuitry Act of 1990 bill was passed by U.S. congress allowing the Federal Communications Commission (FCC) to put the rules for the implementation of closed captioning. The Television Decoder Circuitry Act was a big step in enabling equal opportunity for those with hearing impairments. It was passed the same year as the [Americans with Disabilities Act](#) (ADA).

Let's look at all the major laws and regulations that you have to follow if you are a content producer and broadcaster in the US.

FCC guidelines for closed captions

The Federal Communications Commission (FCC) adopted rules mandating closed captioning of video programming in 1998, establishing benchmarks for a phase-in of captioning over the years that followed. They found closed captions as the critical link to news, entertainment, and information for individuals who are deaf or hard-of-hearing.

FCC guidelines for closed captions for TV

FCC defines closed captions that display the audio portion of a television program as a text on the TV screen. Captions are the critical link to news, entertainment, and information for deaf or hard-of-hearing. Congress requires video programming distributors (VPDs) – cable operators, broadcasters, satellite distributors, and other multi-channel video programming distributors – to close caption their TV programs.

When adding captions for television, one should adhere to the following FCC guidelines:



Accurate: Captions must match the spoken words in the dialogue and convey background noises and other sounds to the fullest extent possible.



Synchronous: Captions must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that viewers can read.



Complete: Captions must run from the beginning to the end of the program to the fullest extent possible.



Properly placed: Captions should not block other important visual content on the screen, overlap one another, or run off the edge of the video screen.

The rules distinguish between pre-recorded, live, and near-live programming and explain how the standards apply to each type of programming, recognizing the more significant hurdles involved with captioning live and near-live programming.

FCC guidelines for closed captions for internet video programming

FCC guidelines state that captioned programs shown on TV have to be captioned when re-shown on the internet. Video programming rules laid down by FCC are as follows:



- The closed captioning rule only applies if the video program was aired on TV in the US with captions.
- “Full-length video programming” is video programming that is shown on TV and is distributed to end-users, subsequently in its entirety, through the internet.
- “Video clips” are excerpts of full-length video programming posted online. The rules require video programming distributors that show programming on TV to post captioned clips of their programming on their websites or applications (“apps”). At this time, the video clip rules do not apply to third-party websites or apps.
- Consumer-generated media (e.g., home videos) shown on the Internet are not required to be captioned unless shown on TV with captions.
- Movies shown on the Internet are not required to be captioned unless they have been previously shown on TV with captions.

Americans with Disabilities Act (ADA) guidelines for closed captioning

Americans with Disabilities Act (ADA) came to effect in 1990, setting up the benchmark for accessibility requirements, impacting both public and private entities. The ADA identifies entities in two titles for which closed captioning or video transcriptions are mandatory:

Title II:

State and local governments in internal and external video communication

Title III:

Public or private business and non-profit organizations that serve the public.

The ADA mandates that title II and title III entities communicate effectively with people with communication disabilities. As per the ADA requirement, deaf or hard-of-hearing or deaf-blind people should be provided with a qualified notetaker, a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech.

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, as follows:

- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive, and convey information to, the covered entity.
- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.
- The key to communicating effectively is considering the nature, length, complexity, and context of the communication and the person's standard method(s) of contact.
- The rules apply to communicating with the person who is receiving the covered entity's goods or services and with that person's parent, spouse, or companion in appropriate circumstances.



NAD Vs. Netflix

In 2011, National Association of the Deaf (NAD) filed a lawsuit against Netflix.

As per the suit, Netflix failed to provide captions for shows and movies on its website.

Netflix argued that the ADA applies only to physical places and therefore cannot be applied website-only businesses like Netflix.

The court ruled in favor of ADA as ADA rules were framed before internet came in existence and considered Netflix as “a place of public accommodation”. Therefore, Netflix needed to make their services accessible.



21st Century Communications and Video Accessibility Act (CVAA) guidelines for closed captioning

The 21st Century Communications and Video Accessibility Act (CVAA) was brought to life on October 8, 2010, by President Obama. The CVAA facilitates the access of persons with disabilities to modern communication by updating the federal communication law. The CVAA is responsible to make sure that the accessibility laws are on par with the 21st technologies, including new digital, broadband, and mobile innovations. Title II of the CVAA lays out the guidelines for video programming.

Following are the guidelines for closed captions:

- Any program with closed captions that have been broadcast on TV is required to be closed captioned before distribution on the internet. This, however, does not apply to programs shown only on the internet.
- Set up deadlines for the FCC to respond to requests for exemption from closed captioning rules.
- Broadcasters are required to have video programming equipment capable of displaying closed captions.
- Requires devices designed to record TV programs to pass through closed captions, audio descriptions, and emergency information so viewers can turn on/off the closed captions and video description when the TV program is played back, if achievable.
- Requires interconnection mechanisms (cables) to carry (from the source device to the consumer equipment – e.g., TV set) the information necessary to permit the display of closed captions and make audio description and emergency information audible.



DCMP guidelines for closed captioning

The Described and Captioned Media Program (DCMP) is the nation's leading source of accessible educational videos. DCMP is funded by Department of Education (ED).



DCMP lays down the following rules for captioning videos:

Modified Closed Captions

- In cases where a closed-captioned version of a title is available with captioning that is acceptable to the DCMP, the captioning service vendor shall convert the captions to a subtitled format.
- All specifications mentioned under 'Open Captions' must be met.

Presentation Rate

- Lower to middle-level educational videos should be captioned at a presentation rate range of 120–130 words per minute (wpm). Upper-level educational videos can be captioned slightly above the 120–130 range.
- Adult special-interest videos require a presentation rate of 150–160 wpm. The presentation rate can be increased if heavy editing radically changes the original meaning, content, or language structure.
- Children's cultural movies should be captioned at a rate of 150 wpm.
- Adult cultural movies should be captioned at a near-verbatim rate, but no captioning should remain on screen for less than 2 seconds or exceed 225 wpm.

DCMP's closed captions quality guidelines are similar to those specified by FCC in 2014. The DCMP captioning essential quality guidelines are:



Accurate

Each production should have the goal of providing errorless captions.



Equal

Equal access requires that the meaning and intention of the material are entirely preserved.



Clear

Include a complete textual representation of the audio, including speaker identification and non-speech information, to provide clarity.



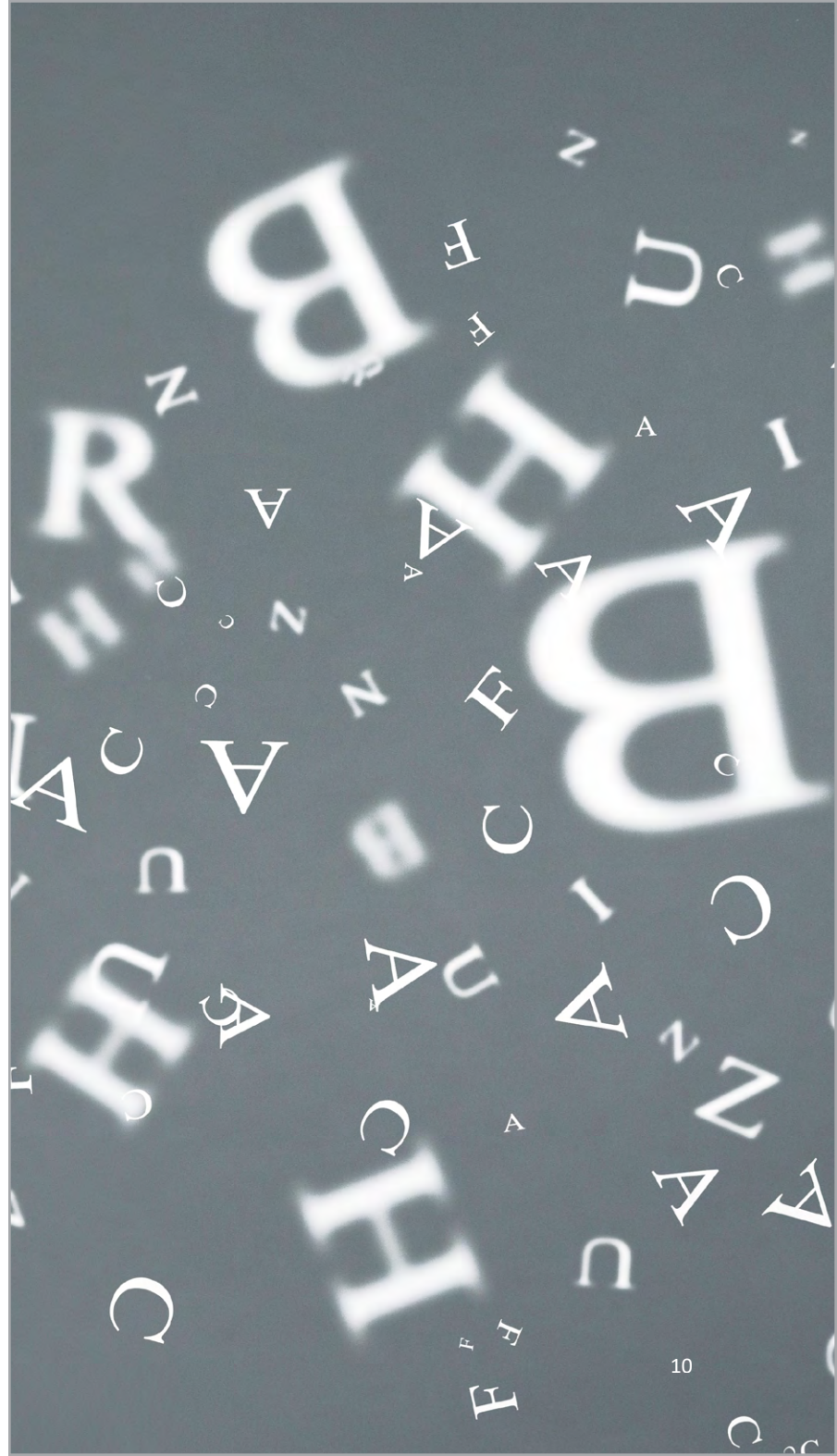
Consistent

The style and presentation of all captioning features must be uniform for viewer understanding.



Readable

Captions should synchronize with the audio and be displayed with enough time to be read entirely without obstructing the visual content.



Web Content Accessibility Guidelines (WCAG)

Web Content Accessibility Guidelines (WCAG) are developed through World Wide Web Consortium (W3C) in collaboration with individuals and organizations worldwide. The goal of WCAG is to provide a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.

WCAG is intended for:

- Web content developers (page authors, site designers, etc.)
- Web authoring tool developers
- Web accessibility evaluation tool developers
- Others who want or need a standard for web accessibility, including mobile accessibility

Captioning guidelines as per WCAG 2.0 are:

Perceivable

Content should be presented in different ways, including assistive technologies. Multimedia and text alternatives should support captions.

Operable

The keyboard should be made accessible with the option for inputs from other devices. Viewers should be given enough time to read the captions, and it should not obstruct the video in any way.

Understandable

The text on the screen should be readable. The appearance and operations should be predictable.

Robust

Must adhere to compatibility with current and future user tools.

WCAG also lays guidelines for streaming media content by regulating that all content must include captions and be provided in a format that allows embedding closed captions.

Rehabilitation Act (Section 504 & 508) guidelines for closed captioning

Enacted in 1973, Rehabilitation Act is a national law that protects individuals from discrimination based on their disability. Sections 504 and 508 bring online video content under the act.

Section 504 makes accessibility for disabled individuals a civil law. It requires providing individuals with disabilities an equal opportunity to participate in their programs and benefit from their services, including providing information to employees and members of the public. Failure to comply with this amendment can result in a discrimination lawsuit.

Section 508 mandates the accessibility of electronic media or IT in federal programs. It requires Federal agencies to ensure that persons with disabilities have equal access to electronic information technology. It also involves compliance with WCAG 2.0, mandating captions and audio descriptions for pre-recorded videos and captions for live videos.





Conclusion

Closed captioning laws and regulations exist to provide uninterrupted access of content to everyone without any discrimination, and non-adherence to these regulations will attract lawsuits. Digital Nirvana's closed captioning services generate quality captions in record turnaround time while adhering to the captioning laws and guidelines.

For more information, reach out to us at marketing@digital.nirvana.com



www.digital-nirvana.com