

Closed Captioning Requirements According to the Rehabilitation Act

Technology Requirements

According to the Technical Standards of Section 508^{xiii}, all analog and digital television displays, as well as all computers, must be equipped with the technology necessary to properly decode and display closed captions. Further, any video – online or otherwise – that is not raw footage, is used for training or information purposes, contains audio that is essential for understanding the presentation, and/or supports the organization's mission, must have open or closed captions. The technical standards also note that the captions should incorporate important non-speech sounds.

The difference between open captions and closed captions is that open captions are "burned in" to the video and cannot be turned off, while closed captions appear with a "CC" button that allows the viewer to turn the captions on or off. While Section 508 specifies that the equipment used to play the video must be able to decode and display *closed* captions, both open and closed captions are suitable for fulfilling captioning requirements. However, transcripts are not sufficient for video content as they are not time synchronized with the media.

Captioning Requirements

Who is implicated by Section 508's captioning requirements? This is a gray area that is often interpreted differently^{xiv}. While Section 508 does not directly call out federally funded programs, many people believe that because these programs are implicated by Section 504, electronic and information technology requirements should extend to federally funded organizations. However, Section 508 only directly mentions federal agencies.

While there is some debate over Section 508's direct influence, there are many other laws that extend Section 508's impact to non-federal programs. As mentioned earlier, the Department of Education requires that states that receive funds under the Assistive Technology Act – and most states do – are also required to comply with Section 508^{xv}. In addition, certain states have imposed laws that reference Section 508's requirements, extending web and electronic technology accessibility law to the state level^{xvi}. This means that even if you are not a federal program, it is possible that your organization is still indirectly required to comply with Section 508 standards, either through state law or through the Assistive Technology Act.



As the prevalence of video content increases, the captioning requirements for these programs are becoming more and more pressing. For instance, many college and university courses include video components; further, many of them in fact have online programs with video lectures. Because most colleges and universities are required to comply with Section 508 either by state law or because of the Assistive Technology Act, they must caption those videos for students who are deaf or hard of hearing^{xvii}. Keep in mind that Title II and Title III of the ADA expand this requirement to state funded universities as well as most private colleges and vocational schools.

Section 508 Web Accessibility Audit Criteria

If you are wondering whether or not your institution satisfies Section 508's web accessibility requirements, consider performing an audit so that you can better scale your accessibility initiatives. All sites should meet the following criteria, at a minimum, to satisfy Section 508^{xviii}.

1. Text equivalent shall be provided for every non-text element.
2. Equivalent alternatives shall be provided for any multimedia presentation, synched with the presentation.
3. Information conveyed with color must also be made available without color.
4. Documents shall be readable without an associated style sheet.
5. Text links shall be provided for each active region of a server-side image map.
6. Client-side image maps shall be provided instead of server-side image maps, except where the regions cannot be defined with an available geometric shape.
7. Row and column headers shall be identified for data tables.
8. Markup shall be used to associate data cells and header cells for data tables with two or more logical levels of row or column headers.
9. Frames shall be titled with text that facilitates frame identification and navigation.
10. Pages shall be designed to avoid causing the screen to flicker (frequency 2 Hz – 55 Hz).
11. A text-only page, with equivalent and up-to-date information, shall be provided when compliance cannot be accomplished in any other way.
12. When utilizing scripting languages to display content or to create interface elements, the information provided by the script shall be identified with functional text so that it can be read with assistive technology.
13. When a web page requires that an applet, plug-in, or other application be present to interpret page content, the page must provide a link to a plug-in or applet.
14. Electronic forms shall be designed to allow people using assistive technology to access the information, field elements, and functionality as to complete and submit the form, including directions and cues.
15. A method shall be provided that permits users to skip repetitive navigation links.
16. When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

Video Captioning Best Practices

Captions allow deaf and hard of hearing viewers to understand the spoken content of videos by displaying words in sync with the audio. While captioning, transcription, and subtitling standards are preferential and can vary slightly, below are some generally accepted best practices^{xix} for captioning that take into account both accessibility law and the FCC's caption quality^{xx} requirements.

- ▶ Each caption frame should hold 1 to 3 lines of text onscreen at a time, viewable for 3 to 7 seconds. Each line should not exceed 32 characters.
- ▶ Each caption frame should be replaced by another caption.
- ▶ All caption frames should be precisely time-synched to the audio.
- ▶ A caption frame should be repositioned on the screen if it obscures onscreen text or other essential visual elements.

- ▶ Spelling should be at least 99% accurate.
- ▶ When multiple speakers are present, it is sometimes helpful to identify who is speaking, especially when the video does not make this clear.
- ▶ Both upper and lowercase letters should be used.
- ▶ The font should be a non-serif, such as Helvetica medium.
- ▶ Non-speech sounds like [MUSIC] or [LAUGHTER] should be added in square brackets.
- ▶ Punctuation should be used for maximum clarity in the text, not necessarily for textbook style.
- ▶ Captions should preserve and identify slang or accents.

Lawsuits

Accessibility court cases generally ask, "Can the user actually use your website? Can a blind user use your website? Can a deaf user use your website? A user with a mobility disability?" While most Section 508 lawsuits have not specifically called out closed captioning, there have been many applicable cases that implicate web content for not being accessible to users. Target Corporation, the US Department of Education, the Social Security Administration, and the Small Business Administration (among others) have all been sued for violating Section 508 by not providing accessible web content to users with sensory disabilities^{xxi}.

Conclusion

The Rehabilitation Act sets the context for accessibility law as it stands today. As the first mandate to extend civil liberties to Americans with disabilities, it has played a crucial role in the development of anti-discrimination policies as well as state, local, and commercial accessibility laws.

When the Access Board makes its decision about refreshing Section 508 to make its standards more applicable to the modern Web, accessibility requirements for online video and other Internet content are likely to increase. It is important to set up workflows that can easily be expanded to incorporate WCAG 2.0 standards, as it is likely that the Section 508 refresh will require legal compliance with WCAG 2.0. Assuming that this is the case, Section 508 requirements for closed captioning and web accessibility will only increase.

Endnotes

ⁱ <http://www.law.cornell.edu/uscode/text/29/701>

ⁱⁱ http://en.wikipedia.org/wiki/Section_504_of_the_Rehabilitation_Act

ⁱⁱⁱ <http://info.3playmedia.com/wp-ada.html>

^{iv} <http://section508.gov/>

^v <http://www.access-board.gov/the-board/laws/rehabilitation-act-of-1973#508>

^{vi} <http://www.law.cornell.edu/uscode/text/29/794d>

^{vii} <http://www.section508.gov/assistive-technology-act-1998>

^{viii} <http://www.ataporg.org/overviewact.html>

^{ix} <http://www.section508.gov/state-policy>

^x <http://nad.org/news/2011/6/nad-files-disability-civil-rights-lawsuit-against-netflix>

^{xi} <http://www.3playmedia.com/2013/11/13/future-section-508-504-ada-guided-wcag/>

^{xii} <http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh?highlight=WyJpY3QiLCJyZWZyZXNoliwiaWN0IHJlZnJlc2giXQ==>

^{xiii} http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/section-508-standards#subpart_b

^{xiv} <http://www.washington.edu/doi/Faculty/articles?2>

^{xv} http://www.htctu.fhda.edu/divisions/webaccess/508/top_10_faqs.htm

^{xvi} <http://www.section508.gov/state-policy>

^{xvii} <http://www.rit.edu/ntid/deafplus/section-504>

^{xviii} <http://www.3playmedia.com/2013/11/13/future-section-508-504-ada-guided-wcag/>

^{xix} <http://www.3playmedia.com/2014/05/06/transcription-captioning-subtitling-standards/>

^{xx} <http://www.3playmedia.com/2014/04/03/fccs-new-quality-standards-closed-captioning-video-programming/>

^{xxi} <http://evengrounds.com/articles/section-508-lawsuits>

About 3Play Media

3Play Media provides cost-effective, premium quality captioning, transcription, and subtitling solutions to hundreds of customers in higher education, enterprise, entertainment, media, and government. Our mission is to simplify the process by providing a user-friendly account system, flexible API's, and integrations with a multitude of video players, platforms, and lecture capture systems. 3Play Media is based in Boston, MA and has been operating since 2007.

Contact

3Play Media
34 Farnsworth St, 4th Floor
Boston, MA 02210

Website – www.3playmedia.com

Email – info@3playmedia.com

Phone – (617) 764-5189