

FEDERAL LAWS AND ACCESSIBLE MEDIA



HEARING LOSS STATISTICS

Hearing loss is a communication disability that affects about 32 million Americans (approximately 10% of the U.S. population) of all ages. Hearing impairments are very common in older individuals, affecting up to 60% of those people over 65 years of age. Hearing losses range from mild (difficulty hearing soft sounds) to profound (difficulty or inability to hear even loud sounds).

VISION LOSS STATISTICS

The American Foundation for the Blind reports that an estimated 21.2 million adult Americans either "have trouble" seeing, even when wearing glasses or contact lenses, or that they are blind and unable to see at all. Adding description to your media items is a great way to provide equal access to those who are blind or visually impaired.

LAWS

There are several laws that protect the rights of people with disabilities. These include the Americans with Disabilities Act (ADA), the Telecommunications Act of 1996, the Individuals with Disabilities Act (IDEA), and Section 508.

The ADA

<http://ada.gov> and <http://www.law.georgetown.edu/archiveada/documents/ADAAACR9.17.08.pdf>

[ADA](#) was signed into law in 1990, and it protects disabled persons from discrimination in employment, public accommodations, and transportation. Title II of the ADA applies to state and local governments (which include public education programs of all kinds, including K-12 schools, colleges, and universities). Title III of the ADA applies to public accommodations (which includes educational services of private businesses and entities, for-profit and non-profit, including private K-12 schools, colleges, and universities). Both ADA Title II and Title III require the provision of auxiliary aids and services (e.g., captioning and video description) to ensure equal opportunity, equal access, and effective communication with people with disabilities.

Telecommunications Act of 1996

<http://www.fcc.gov/telecom.html>

The Telecommunications Act of 1996 requires that video programming distributors provide closed captioning on 100 percent of new, nonexempt English video programming. Exemptions are available

Described and Captioned Media Program

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for certain defined situations, for example, when the programming is primarily textual or primarily non-vocal music, and when compliance with the rule would result in an “undue burden,” meaning significant difficulty or expense. Requirements also are in place for pre-rule (before January 1998) programming and Spanish language programming. In addition, all video programming distributors must pass through captions of already captioned programs.

IDEA

<http://idea.ed.gov/>

IDEA, enacted in 1975 and subsequently amended, continues to ensure that all children with disabilities have the right to receive a free and appropriate public education in the least restrictive environment. Every child served by IDEA is required to have an Individualized Education Program (IEP), which provides a blueprint for special education and related services. IEP teams usually consist of parents, administrators, the teacher, and, when appropriate, the student. Related services can include captioning and description.

SECTION 508

<http://www.section508.gov/>

In 1998 Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities unless an undue burden would be imposed on the department or agency. Under Section 508, agencies must give employees and members of the public who are disabled access to this technology that is comparable to the access available to others. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology.

21st CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

<http://thomas.loc.gov/cgi-bin/bdquery/z?d111:S3304:>

The 21st Century Communications and Video Accessibility Act is the most significant disability law in two decades. The law’s provisions were endorsed in the FCC’s National Broadband Plan. They will establish new safeguards for disability access to ensure that people with disabilities are not left behind as technology changes and the United States migrates to the next generation of Internet-based and digital communication technologies.

SUMMARY

A summary of the important points regarding captioning and description in the law includes:

- Home** The Television Decoder Circuitry Act requires all televisions with screens of 13” or more to be able to display closed captions. The Telecommunications Act of 1996 mandates that 100% of all new, non-exempt English-language television programming must be captioned.
- Schools** The IDEA mandates measures to ensure a free appropriate public education for children with disabilities, which may include captioning and video description as a necessary part of special education and related services.

Public The ADA specifies that public accommodations which impart information through films, videotapes, or slide shows must provide access to this information, such as through the provision of captions and video description.