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When is Captioning Required?

Captioning may be necessary and required to make audio and audiovisual information and communication accessible to people who are deaf or hard of hearing in a wide range of situations.

Many entities have obligations under civil rights laws that prohibit discrimination and require the provision of accommodations, such as captioning, to ensure equal access, an equal opportunity to participate, and effective communication with people who are deaf or hard of hearing. These entities have obligations under the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and other laws.

Captioning may be required to provide access to any services that are open to the public, from concert venues and university lectures to employment, healthcare, and legal services. For more detailed information regarding captioning in educational programs and services, in public and private K-12 education, higher education, and other educational opportunities, see [Education \(https://www.nad.org/issues/education\)](https://www.nad.org/issues/education). For more detailed information regarding captioning in employment settings, in the delivery of health care and mental health care services, for the provision of legal and law enforcement services, and during courtroom proceedings, see [Employment \(https://www.nad.org/issues/employment-and-vocational-rehabilitation\)](https://www.nad.org/issues/employment-and-vocational-rehabilitation), [Health Care and Mental Health Services \(https://www.nad.org/issues/health-care\)](https://www.nad.org/issues/health-care), and [Justice \(https://www.nad.org/issues/justice\)](https://www.nad.org/issues/justice).

In all of these contexts, described above, captioning may be required for pre-recorded and live presentations of audio and audiovisual material. Whenever captions are already available (e.g., television) they should be displayed. See an advocacy letter (<https://www.nad.org/wp-content/uploads/2018/09/TVs-in-Public-Places.pdf>) for turning on the closed captioning on televisions in public places.

For live presentations, realtime captioning, or CART (<https://www.nad.org/issues/technology/captioning/cart>), may be required to ensure effective communication with individuals who are deaf or hard of hearing in those settings. In general, wherever an entity may be required to provide the services of a qualified sign language interpreter, CART should also be considered. The decision of which accommodation to provide (or to provide both) should be based on the needs of the individual(s) making the request. The entity providing CART must ensure that technical difficulties do not interfere with providing this service.

Producers of audiovisual material, such as DVDs, are generally not required to caption their products. However, when those products are used by entities in the delivery of services, those entities are obligated to ensure that those audiovisual materials are accessible to individuals who are deaf or hard of hearing, which often can be accomplished through captioning.

Closed captioning has been provided on a voluntary basis by many movie producers, studios, and distributors for movie videos and DVDs produced for sale or rent. Today, captioning is also being provided by movie studios and distributors for most wide-release movies. These captions are being displayed by hundreds of movie theaters nationwide. See *Movie Captioning* (<https://www.nad.org/issues/technology/captioning>).

Broadcasters, cable companies, and satellite television service providers must provide closed captioning for 100% of all new, non-exempt, English language video programming. Closed captioning must also be provided for televised emergency information in some locations. These closed captioning requirements are enforced by the Federal Communications Commission (FCC) under the authority of the Communications Act. See *Television and Closed Captioning* (<https://www.nad.org/issues/technology/television-and-closed-captioning>).

Captioning is even providing access to the telephone network through the provision of Captioned Telephone Services using special “captioned telephones” or by transmitting captions over the Internet for display on a computer or other Web-enabled device. See *Telephones and Relay Services* (<https://www.nad.org/issues/technology/telephone-and-relay-services>).

The Internet is the new frontier for captioning. The law is generally clear that government agencies must make their websites accessible. The 21st Century Communications and Video Accessibility Act (“CVAA”) expanded the scope of devices that must display captions under the Television Decoder Circuitry Act to all video devices that receive or display video programming transmitted simultaneously with sound, including those that can receive or display programming carried over the Internet. The NAD was a leading member of the Coalition of Organizations for Accessible Technology (“COAT”) which was instrumental in drafting and getting CVAA passed. See *Internet Access and Broadband* (<https://www.nad.org/issues/technology/internet-access-and-broadband>).

What’s Next?

Efforts are underway to employ captions to provide access to one form of communication and entertainment that has been around for ages, yet remains inaccessible to millions of deaf and hard of hearing people – radio. National Public Radio (NPR) began testing the use of real-time captions, streamed over the Internet, to caption some of its radio broadcasts. In 2006, the U.S. Department of Education awarded a grant to NPR and WGBH’s National Center for Accessible Media (NCAM) to develop accessible radio technology for people who are deaf, hard of hearing, blind or visually impaired. Most recently, NPR joined forces with Harris Corporation, Towson University, and WGBH’s Media Access Group to provide captioning of its live radio coverage of the 2008 presidential election. See this page (<https://www.npr.org/about/press/2008/102118.CaptionedRadio.html>) also. In addition to making these captions available over the Internet, NPR also tested the use of HD Radio technology to display the captions on specially equipped receivers. It is expected that, one day, these HD Radios with caption displays will be available for use anywhere – in your home, at work, or in your car.

