

ACCESSIBILITY RULES EVERY PEG CHANNEL SHOULD UNDERSTAND

APRIL 2026

PEG Channels fall under *two* sets of Federal rules – which causes some confusion

FCC Captioning Rules pertain to all television channels in the US

ADA (which is administered by DOJ) pertains to all organizations and businesses in the US

FCC Rules have been in place since 1998 but have changed over time to include more devices and services

Americans with Disabilities Act has been in place since 1991, but the Federal Government determines how the Act is implemented

Two Sets of Rules: FCC & DOJ

All television channels must be captioned, and captions must have specific standards

<https://www.fcc.gov/consumers/guides/closed-captioning-television>

The link also contains info about consumer complaints and quality standards

There are ***self-implementing exemptions*** for certain programs and organizations

Self-Implementing Exemptions

<https://www.fcc.gov/general/self-implementing-exemptions-closed-captioning-rules>

Includes exemptions for channels with less than \$3M in revenue, and for which captioning costs would exceed 2% of gross revenues

FCC Captioning Rules

All online video must be captioned

If cable channels are streamed, the FCC exemption continues to that online video delivery

BUT

Online only video **must** have captioning per Congress

21st Century Communications and Video Act

<https://www.fcc.gov/cvaa>

Passed in 2011, CVAA describes accessibility standards and requirements for online media content

FCC Captioning Rules

ACM has been asking the FCC to clarify its reporting standards so that public access producers would not have to file contact information with the Commission

FCC has set up a contact database for all video channels in the US to help with consumer complaints about captioning

No clarification from FCC is forthcoming

FCC Rules, including the self-implementing exemptions, can change

The cost of captioning has changed radically since the rules were established in 1998 and we should not expect the rules will always be the same

FCC Captioning Rules

New Rule Implementing Title II of Americans with Disabilities Act

Published in *Federal Register* **April 24, 2024**, adds new subpart H to the Title II ADA regulation, 28 CFR part 35

<https://www.federalregister.gov/documents/2024/04/24/2024-07758/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state>

Justice Department had started a process more than a decade ago that was halted by the prior administration

Rules address the **quality** of online and application-based communication

Meant to empower individuals with a disabilities to be civically engaged and to improve lives

Covers **all** local and state governments in the US (so-called Title II entities)

DoJ Implements Quality Standards

Outlines How ADA Can Be Achieved

However, the Rules Don't Change
Responsibilities or Rights of Title II entities
under Americans with Disabilities Act

Effective Communication is still key

Rules require a specific standard:

Web Content Accessibility Guidelines

WCAG 2.1 Level AA

- WCAG is internationally recognized standard
- Updated regularly to meet changing uses & forms by W3 Consortium (2.2 already published; 3.0 being drafted)
- Recognizes different levels of accessibility

Outlines How ADA Can Be Achieved

WCAG 2.1 Level AA

Version adopted in the DoJ Rule

<https://perma.cc/UB8A-GG2F>

The guidelines include references for how to meet accessibility standards for all online & app based communication (e.g. contrast, alternate text)

Includes multiple types of disabilities

This version was written in 2018

perceivable

operable

understandable

robust

All guidelines flow from these principles and user focus

Each guideline conforms to a different level of success:

Level A (lowest)

Level AA (middle) (adopted)

Level AAA (highest)

Key Principles Under WCAG 2.1

How does this apply to video?

WCAG 2.1 requires providing alternatives to Time-Based Media

Success Criterion 1.2.4 Captions (Live)

(Level AA)

Captions are provided for all live audio content in synchronized media.

Success Criterion 1.2.5 Audio Description (Prerecorded)

(Level AA)

Audio description is provided for all prerecorded video content in synchronized media.

DoJ Order continues the **Effective Communication Standard** for all entities

<https://www.ada.gov/topics/effective-communication/>

Title II entities have a responsibility to communicate with disabled individuals through ***the means that individuals determine themselves***

Undue burden remains a standard for the DoJ in the Order

If a service is fundamentally altered or there is an undue financial burden on the ***Title II entity*** based on an accommodation, responsible parties must state publicly why a service cannot be provided

Effective Communication Standard

Communities served OVER 50,000 residents have two years to comply on all online and app-based communication

April 26, 2027

Applies to all units of government and their contractors providing government services to the public

Communities served under 50,000 residents have three years to comply on all online and app-based communication

April 26, 2028

These deadlines were pushed back by DOJ in April 2026

<https://www.federalregister.gov/documents/2026/04/20/2026-07663/extension-of-compliance-dates-for-nondiscrimination-on-the-basis-of-disability-accessibility-of-web>

Timeline for Implementation

DoJ Expects Entities to Audit & Revise

Local Governments should assess services they deliver for conformity to WCAG 2.1 Level AA

The rules expect affected entities to remediate their services (or develop new services) in the timeline given

Testing, certification and replacement of apps and websites

Understanding specifications of new products

Enforcement of ADA

ADA is enforced by the Department of Justice AND by individuals who can sue for relief in court

Regardless of DOJ leadership, the right for individuals to seek relief remains – as does potential liability if local governments don't act

Tips & takeaways

Assess and Listen to Needs of Your Community

Communicate to the Public Your Commitment to Reasonably Accommodate Individuals

Have a Plan for Online Communications and Time-Based Media that Complies with Rules

Determine if Plan is Burdensome or Not

Communicate with Decision Makers

Work with Vendors Familiar with Standards and Use Products that Conform with WCAG Standards

Regularly Make a Real Assessment of Costs

Seek Financial Resources and Partners

QUESTIONS?

Mike Wassenaar

612-298-3805

mwassenaar@allcommunitymedia.org

www.allcommunitymedia.org