Transition and 2021 FCC Priorities for Communications Accessibility[1]

As the U.S. navigates the challenges of rounding the corner on the COVID-19 pandemic, recovering from economic devastation, and pursuing racial justice, the FCC can play a key role in ensuring that people with disabilities can take part in building back better on equal terms.

Prioritize Accessibility in Agency Leadership

Fulfilling the FCC's role in ensuring equal access to communications and technology for people with disabilities requires a proven leader with a strong accessibility track record.

What the Transition can do: **vet candidates' historical approach to accessibility issues and ensure that a new Chair has a demonstrated commitment to accessibility.**

Relocate the Disability Rights Office to a New Office of Civil Rights

The Disability Rights Office (DRO), which leads many of the Commission's disability policy initiatives, is situated in the Consumer and Governmental Affairs Bureau. This casts accessibility initiatives as customer service problems and limits intra-agency collaboration.

What the Commission can do: **relocate DRO to a new Office of Civil Rights.** Resituating DRO would better frame accessibility issues in terms of their civil rights dimensions and ensure that initiatives across the Commission reflect input from disability stakeholders.

COVID-19 Response—Address Video Conferencing Accessibility Problems

The pandemic has amplified the critical importance of videoconferencing for employment, education, healthcare, and basic communication. But many videoconferencing platforms fall short on accessibility, failing to fully implement closed captioning and other critical features. As a result, people with communications disabilities are being left further behind by the pandemic.

What the Commission can do:

- **Resume its rulemaking on videoconferencing accessibility.** The Commission should immediately resume its stalled 2011 rulemaking implementing the videoconferencing accessibility requirements of the Communications and Video Accessibility Act.[2]
- **Require relay interconnection with videoconferencing services.** Many users who are deaf or hard of hearing must separately join video conferences via relay, increasing complexity and cost. The Commission should improve the experience of deaf and hard of hearing users and reduce the impact on the TRS fund by requiring videoconferencing services to permit VRS and IP CTS services to directly interconnect.

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[1] This document was developed by the Samuelson-Glushko Technology Law and Policy Clinic (TLPC) at Colorado Law and the Georgetown Communications and Technology Law Clinic (CTLC) in consultation with Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), the National Association of the Deaf (NAD), the American Council of the Blind (ACB), the Hearing Loss Association of America (HLAA), and the Technology Access Program (TAP) at Gallaudet University. Contact Blake Reid at blake.reid@colorado.edu with questions.

[2] *See Implementation of Section 716 and 717,* Further Notice of Proposed Rulemaking, 26 FCC Rcd. 14,557, 14,684-85, ¶ 301 et seq. (Oct. 7, 2011).

Get the Real-Time Text Transition Back on Track

As TTYs phase out of use with the transition of phone networks to Internet Protocol (IP), support for Real-Time Text (RTT) is critical to ensure deaf and hard of hearing people can access basic communications. But the TTY-to-RTT transition has not proceeded smoothly, and RTT support remains missing from significant portions of the next-generation phone network.

What the Commission can do:

- **Ensure wireless carriers and vendors of core network software develop and deploy RTT functionality, turning to enforcement if necessary.**

- **Require wireline RTT support and interoperability, including with 988 / N11 numbers.**

- **Require RTT support and address other accessibility issues in carceral facilities.[3]**

Bolster Video Programming Accessibility

While the Commission has made progress over the past decade on the accessibility of video programming through provision of closed captions and audio description, critical gaps remain in the coverage and quality of captions and description, particularly on IP-based services. These problems have exacerbated difficulties with public health communications during the pandemic.

What the Commission can do:

- **Proceed on pending consumer petitions to develop closed captioning quality metrics,[4] and close loopholes in the Commission's rules,[5] including the "third-party loophole."**
- **Launch a new rulemaking for to build on the Disability Advisory Committee's audio description quality item[6] and inquire into description for IP-delivered programming.**
- **Address the accessibility of captioning and description interfaces.**

Improve the Accessibility of Wireless Handsets

People with disabilities continue to depend on the Commission's oversight of the accessibility of wireless handsets.

What the Commission can do:

- **Adopt the new ANSI C63.19 standards for smartphones, ensuring consumers have access to more wireless devices that are hearing aid compatible.**
- **Ensure that the wireless industry does not sunset telecoil connectivity until Bluetooth LE or other connectivity solutions have been widely deployed.**
- **Ensure that vendors continue to address the accessibility of feature phones, including those distributed under the Lifeline program.**

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[3] Comments of HEARD, et al. (Nov. 23, 2020), https://www.fcc.gov/ecfs/filing/1123290918519.
[4] Petition of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), et al. (July 31, 2019), https://www.fcc.gov/ecfs/filing/10801131063733.
[5] Petition of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), et al. (January 26, 2011) https://www.fcc.gov/ecfs/filing/6016167106.
[6] Recommendation of the DAC (Oct. 14, 2020), https://www.fcc.gov/file/19830/download.