

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2012-160  
September 27, 2012

**SUBJECT:** Video Accessibility for Persons who are Deaf or Hard of Hearing

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by §§ 422(4) and (11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790; D.C. Official Code §§ 1-204.22(4) and (11) (2012 Supp.), it is hereby **ORDERED** that:

**I. PURPOSE AND SCOPE**

The purpose of this Order is to establish requirements that video content published by District agencies or accessible through the District's central web portal, DC.Gov, is accessible to persons who are deaf or hard of hearing.

**II. REQUIREMENTS FOR DISTRICT AGENCIES**

**A. Use of DC.Gov**

As of the effective date of this Order, all District-related video content utilized by an agency for dissemination to the public must be published through DC.Gov, except as provided in paragraph II.D below.

**B. Captioning of New Videos**

As of the effective date of this Order, except for the D.C. Office of Cable Television ("OCT"), no District agency may upload new video content on DC.Gov without first properly captioning the video. "Proper captioning" refers to the use of captioning or subtitles to describe the audio portion of the video as it occurs, as defined by § 508 of the Rehabilitation Act [cite] and as referenced in the Effective Communication Policy, Mayor's Memorandum 2008-2 (September 26, 2008). "Proper captioning" also includes consideration of factors such as the completeness, placement, accuracy, and timing of the captioning or subtitles so that videos are accessible to individuals who are deaf or hard of hearing.

**C. Captioning of D.C. Office of Cable Television New Video Content**

OCT shall establish and publish clear instructions on its website regarding how any consumer or resident who is deaf or hard of hearing, or his or her representative, may request and receive a captioned video or transcript of new video programs cablecast by OCT and uploaded on DC.Gov. Upon receiving a request for a captioned video, OCT must fulfill the request within fourteen (14) business days by providing any of the following to the requestor: (1) a properly captioned DVD copy of the requested program; (2) a written transcript of the audio content of the requested program; or (3) a hyperlink to the requested program after OCT has properly captioned the requested program and uploaded the requested program on DC.Gov. The determination of the specific accommodation provided remains within the discretion of OCT.

**D. Captioning of District of Columbia Public Schools New Video Content**

Individual schools within the District of Columbia Public School ("DCPS") system may choose to publish material through websites that are not accessible through DC.gov. DCPS and the individual school shall establish and publish clear instructions on relevant websites regarding how any consumer or resident who is deaf or hard of hearing, or his or her representative, may request and receive a captioned video or transcript of new video programs by DCPS. Upon receiving a request for a captioned video, DCPS must fulfill the request within fourteen (14) business days by providing any of the following to the requestor: (1) a properly captioned DVD copy of the requested program; (2) a written transcript of the audio content of the requested program; or (3) a hyperlink to the requested program after DCPS has properly captioned the program. The determination of the specific accommodation provided remains within the discretion of DCPS. If school-based staff, in their official capacities, choose to place their own video on the web for use by the public, such video must also be accessible as provided for in this paragraph. This paragraph does not eliminate the requirement that DCPS's central office publish all material through DC.gov, as provided in paragraph II.A.

**E. Accessibility for Existing Video Content**

In the case of non-captioned videos published through DC.Gov before the effective date of this Order, the Office of Disability Rights ("ODR") will procure transcription services (at no charge or fee) for any consumer or resident who is deaf or hard of hearing, or his or her representative, who submits a request for a transcript of the audio content to the publishing agency or to ODR. If the request is made directly to the publishing agency, the publishing agency must contact ODR to fulfill the request. A transcript will be provided to the consumer or resident who is deaf or hard

of hearing within 30 days of the request. ODR will provide technical assistance to the individual who is deaf or hard of hearing, if needed, to apply or utilize the information provided in the transcript.

**F. Enforcement of Video Captioning**

The Office of the Chief Technology Officer (“OCTO”) shall enforce video captioning by District agencies, pursuant to this Order, as follows:

1. On a quarterly basis, OCTO will visit the website of all agencies that have published videos on DC.Gov.
2. Upon discovery that an agency video does not contain proper captioning, OCTO shall notify the agency of this violation and direct the agency to caption the video within thirty days.
3. If the agency fails to caption the video within thirty days, OCTO shall remove the video from DC.Gov and notify the agency director in writing of this action.
4. Where an agency demonstrates continuing failure to caption videos as required by this Order, OCTO shall revoke the agency’s permissions to post its own web content on DC.Gov, and shall assume responsibility for publishing all web content for that agency, until the agency demonstrates to OCTO’s satisfaction the agency’s commitment to comply with this Order.
  - a. Examples of continuing failure to caption videos include repeated instances of publishing uncaptioned videos after warnings by OCTO or multiple instances of failing to replace uncaptioned videos after being requested to do so by OCTO.
  - b. An example of a commitment to comply with this Order is a written certification by the agency director that the agency will comply with this Order.
5. These enforcement procedures apply equally to OCTO in the event the agency fails to provide accessible content as provided in subsection II.C. above.

**G. Enforcement of Video Captioning by Independent Agencies**

Certain independent agencies do not host their websites through the Office of the Chief Technology Officer but their site can be accessed through the DC.Gov portal. Because OCTO does not have the ability to remove such videos or revoke publishing permissions, the following process shall be observed:

1. On a quarterly basis, OCTO will visit the website of all agencies that have published videos on sites accessible by DC.Gov.
2. Upon discovery that an independent agency video does not contain proper captioning, OCTO shall notify the agency of this violation and direct the agency to caption the video within thirty days.
3. If the agency fails to caption the video within thirty days, OCTO shall notify the Mayor's Office of such violation and the Mayor's Office shall inform the independent agency of the need to caption the video.
4. Where an independent agency demonstrates continuing failure to caption videos as required by this Order, OCTO shall remove the agency's website from the DC.Gov agency directory, thus preventing the site from being accessed through the DC.Gov portal. The website will be accessible only by directly entering the website URL in a web browser. Visitors to DC.Gov will not be able to access the website from the portal.
5. OCTO shall remove the block to the DC.Gov portal when the head of the independent agency provides written certification that the agency will comply with this Order.

#### **H. Complaints**

Any consumer or resident who is deaf or hard of hearing, or his or her representative, may utilize ODR's existing complaint process, available at ODR.DC.Gov, to attempt to resolve any concerns regarding accessibility as required under this Order.

### **III. INCONSISTENT ORDERS SUPERSEDED**

This Order shall supersede all pre-existing Orders to the extent of any inconsistency.

**IV. EFFECTIVE DATE**

This Order shall be effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA