

## Access Denied – the Case for H. 312 - Open Captions at the Movies in Vermont

John Quinney, Hearing Loss Association of America (HLAA), Vermont Chapter  
Philene Taormina, Director of Advocacy, AARP VT  
Ann Owen, South Burlington resident and HLAA member

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About 60,000 Vermonters have hearing loss. Because of our disability, we are denied access to a treasured cultural experience – going to the movies.

Many of us are seniors, with time on our hands. We once loved going to the movies. But these days we watch at home, where we can turn on subtitles, or stream the audio direct to our hearing aids.

Under the Americans with Disabilities Act (ADA), cinemas are required to provide services for people with hearing loss. Typically, this is done with close caption devices (personal monitors with text displays that are attached to cup holders) or assisted listening devices (wireless headsets that amplify the sound). HLAA VT members have tested these devices at several Vermont cinemas. Our conclusion, and that of a strong majority of the hearing loss community, is that they don't work very well. Problems include a poor movie experience with the cup holder devices because one has to constantly shift attention between big screen and small screen, battery failure, sporadic connectivity, poor audio quality, complete failure and poorly trained staff. Some of us also dislike the stigma associated with using these devices.

Cinema owners could unlock a new revenue stream, simply by providing all movie goers with a service **that costs nothing**, is readily available, meets ADA requirements, and works both for those with hearing loss and also for those with normal hearing.

This service is open captions, subtitles that appear on the bottom of the screen, and are viewed by everyone in the movie theater.

Everyone appreciates open captions while watching foreign language movies. But movie theater owners believe that, with this one exception, open caption screenings reduce ticket sales. There is no credible data that supports this belief:

- Even the National Association of Theater Owners (NATO) recently stated, “.... There isn't a lot of solid data. There's a lot of anecdotes and strong feelings.”
- And a poorly designed Hawaiian open caption impact study noted, “.... Due to resource limitations, the analysis did not test for causation for the difference in attendance.”

Two business surveys reveal support for open captions, and not just from those with hearing loss:

The accessible video company, 3Play Media, surveyed their followers and found that:

- 98% watched movies and TV shows with captions turned on at least occasionally; 38% always watched with captions on.
- The reasons cited were to: help maintain focus, learn vocabulary, decipher thick accents or poor audio quality, and for watching in noisy environments.
- Captions should be thought of as an asset to everyone, not simply as a useful tool for those with hearing loss.

The consulting firm, Audio Accessibility, analyzed 5,000 responses to their “Movie Theater Captioning Access Survey” and found that:

- 91% of respondents weren’t bothered by open captions.
- 75% preferred open captions so long as they were done well and easy to read.
- 46% of respondents had normal hearing; 54% had hearing loss.

Outside Vermont, open caption movie screenings are available under various arrangements:

- Under Hawaii’s first-in-the-nation legislation, cinemas with more than two locations are required to provide open captions for at least two screenings a week.
- Cinemas in DC would be required to offer open captions for some screenings under proposed legislation filed last January. Cinemas with more than three screens would be required to offer open captions for four showings of each film they’re screening weekly.
- Some cinemas “turn on” open captions when they receive at least 10 requests for a specific screening. DC Deaf Moviegoers surveys their 700 members each month, requests specific open caption screenings at up to 11 cinemas, and then promotes confirmed screenings with weekly emails and social media posts.
- In the New York City area, 16 theaters will happily provide open caption screenings with a two-week notice for groups of ten or more.
- In Fairfax, VA, Cinema Arts Theatre and University Mall Theatres have “Open Caption Sundays” for all movies that screen at around 7 pm on one Sunday each month.

In Vermont, only Essex Cinemas and the Savoy Theater offer a small number of open caption screenings.

From a technical perspective, open caption screenings are straightforward. For each movie they screen, cinemas purchase a “Digital Cinema Package” which almost always contains an open caption file. The cinema technician simply selects the open caption file and runs it.

As drafted, H. 312 requires cinemas with more than two screens to provide open captions at 25% of screenings for all movies shown four or more times each week. Drive-ins and single screen cinemas are exempt. **Most importantly, the bill requires open caption screenings to be clearly identified in all marketing materials so that all movie goers can choose show times that offer the experience they prefer – captions or no captions.**

This bill is supported by HLAA Vermont, AARP VT, Community of Vermont Elders, Deaf Vermonters Advocacy Services, the Vermont Coalition for Disability Rights, Vermont Hands and Voices, Vermont Speech-Language Hearing Association, Adirondack Audiology (Shelburne, VT), Better Living Audiology (South Burlington, VT), Vermont Audiology (Montpelier, VT).