

## TCPA compliance FAQ

*Disclaimer: While we can offer opinions, these opinions do not represent legal opinions. The opinions expressed in this document are based on our own understanding of the law. The district should consult with its own counsel before making any policy changes regarding communication.*

Q: Does it apply only to automated voice messages? How about text messages?

A: TCPA applies to both telephone calls and text messages. Opt-in should be gathered and recorded for both, and updated at regular intervals.

Q: How can Blackboard assist us with TCPA compliance?

A: The Blackboard development team is nearing completion of a set of new functions and tools that will assist the district in maintaining compliance with the new regulations. We will be sharing these tools in an upcoming web event provided for our clients. This event is currently not scheduled, pending finalization of development items, but we anticipate that it will occur within the next 90 days.

Does our current notification system have a Multi-Point Strategy and tools built in to obtain compliance?

A: Connect has been designed to enable multiple touch points to parents, including phone calls, text messages, email messages, and even social media. Blackboard app users can also send messages to their mobile app users, and Web Community Manager users can send alerts as on-screen alerts to their website. You may also choose to send messages to the RSS news feed widget. No other company provides the breadth of messaging methods, and can offer this level of multi-point communication.

How can Blackboard products help us improve TCPA compliance? What kind of consent management tools do you offer?

A: We have built features into our products to help you stay compliant, and are in the final stages of further feature enhancements that will take much of the burden off the district for maintaining compliance. Some of the tools currently available include:

- Parent configurable address preferences:  
Parents can log in through the web interface (or mobile app if the district is using it) and configure their own phone numbers, email addresses, and delivery preferences. This access can be modified by the district to limit parents to view-only access, edit ability only for new addresses (but not those provided by the district), or full edit capabilities to update all addresses tied to their account
- Parent configurable delivery preferences:  
Parents can configure messages by device type, allowing them to designate an address to each type of message. For example, they can designate that miscellaneous messages only be delivered as an in-app message, while emergency messages be delivered as a text message and phone call.
- Do-not-contact list:  
By replying 'STOP' to any system text message, or by requesting a phone number be added to the do-not-contact list, a user or authorized system administrator can remove an address from our delivery service. This removal is global, and once added, a number or email address will not receive messages until removed from the list.
- Automated survey messages:  
Because of the change from opt-out messaging to opt-in messaging, districts are now required to track and maintain documentation of permission to send messages. Our recommendation is to review and renew this documentation quarterly, or at least bi-annually. One very easy way to accomplish this is through email/app surveys. While there are many survey tools available for

free or low-cost, we encourage districts to make use of the survey messaging tools already included in Connect. Connect surveys can be delivered by phone, email, or embedded in the mobile app. Results are automatically tabulated and stored, and can be exported for record keeping by the district.

Do we need to modify our SIS and Blackboard database to comply with TCPA?

A: We recommend that you keep your contact information for parents, as contained in your SIS, up-to-date, and regularly renew the opt-in with your parents. The data in your SIS should update your Connect database nightly for the next day's notifications.

Will my SIS and Connect talk to each other?

A: Connect is designed to receive updates automatically from the SIS. While Connect can provide, and export for external use, any phone numbers or email addresses that have been updated by parents, the process for importing them back into the SIS would have to be manually performed by the district.

What is considered an emergency message? Are attendance notifications considered as emergency notifications?

A: The new regulations provide for consent/liability exemptions in the case of emergency messaging to cell phones. The FCC has defined such as a message necessary for the "health and safety" of the recipients. While ultimately the determination of what the district can and should consider an emergency message should be decided under the guidance of the district's own legal counsel, it is our non-binding opinion that an attendance message may constitute an emergency. This is based on the logic that a student is under the guardianship of a recipient, and the safety of a student cannot be made sure in the event of an absence. It is impossible to know whether a student is simply sick at home, and the guardian is aware of this, or if a student set out for school but did not safely arrive at school. We feel it is in the best interest of the safety of students that all absences be treated with the highest degree of caution to ensure that each child is safe. **Again, this is merely our opinion, and you should seek the counsel of your legal team before making any final policy recommendations.**

Types of messages we send out on a regular basis-

- A) Attendance notifications
- B) School events, welcome messages, workshops
- C) City Hall messages
- D) Crisis alert notifications

Can parents sue our district if we continue sending messages without express consent?

A: While perhaps a fine distinction, it may be worth noting that nothing prevents a person from suing the district with or without consent. What is at stake is whether or not the message that was sent was done so with permission from the recipient, or exempt from such permission (as in the case of an emergency message). With that said, attendance messages may (under the guidance of your legal counsel) be exempt as emergency messages. School event, welcome messages, and workshops should only be sent by telephone to parties who have given their consent to receive such messages. City Hall messages may or may not be exempt under the exemptions for political calls, but this may depend on the content of the call. Whether or not these are exempt should be determined under the guidance of your legal counsel. I would like to reinforce that email, app push notifications, social media updates, RSS posts, and website alerts do not fall under the jurisdiction of the TCPA, and should be leveraged for messages that may not otherwise be deemed appropriate for phone calls or text messages.

