# TCPA: School Communications Consent Q&A (District)

# Contents

# Consent Management: District Q&A

⚠️ *Important: The content below is for informational purposes only and is not intended to be legal advice.*

## Why is parent or guardian consent for school communications more important now?

While it's always been a good idea to get parent or guardian okay for the preferred method of reaching them with school communications, recent clarifications by the Federal Communications Commission (FCC) to the Telephone Consumer Protection Act (TCPA) have emphasized there are legal reasons, too.

Specifically, for telephone calls and SMS text messages, prior express consent is required from the called party if the school's call is ma e using automate dialing systems to any telephone number assigned to a mobile phone. The only general exemption is when calls are made for "emergency purposes" – that is, a call or text made in a situation affecting the health and safety of consumers.

Keep in mind TCPA only covers automated telephone calls and SMS text messages. Laws or regulations regarding email or other communications have not changed as a result of the TCPA ruling.

## What are the requirements for telephone or SMS text message consent?

Consent – ideally in writing whether it is on paper or provided digitally – is tied to an individual phone number a person uses. For SMS text messages, for example, requiring someone to opt in by texting "YES" may be considered express consent. For automated voice calls, express consent for specific phone numbers could be granted on a paper form a parent or guardian returns at the start of the school year, through an emailed form with a digital signature, or in some other manner.

Recipients also have to be able to revoke consent, or opt out, at any time from SMS text messages or automated phone calls, and those numbers must be blocked by the school.

## How can SchoolMessenger products help us improve TCPA compliance?

There are three types of consent management tools for the SchoolMessenger Communicate notification service (some tied to the free SchoolMessenger web and mobile app for recipients), providing a multi-point strategy. They include tools for capturing initial consent, managing opt outs and contact information as recipients update information, and behind-the-scenes monitoring of potentially reassigned phone numbers on an ongoing basis.

## What tools are available to capture consent?

It depends on whether the consent is for SMS text messaging or voice calls. Communicate has long had automated SMS text message opt in capability. For voice calls, there is email language schools can use to inform parents about consent tools, the SchoolMessenger web and mobile app for parents to provide consent and adjust contact numbers, and areas within the Communicate interface for schools to record consent (such as in the **Contact Info** tab).

# What if a parent changes their mind, or contact information?

Different interactive preference tools support both SMS text messages and voice calls. For SMS text messages, there is a text-message based opt out. For voice calls, there is fine-grained touch-tone opt out – even for specific categories of messages – that is signaled by parents pressing certain phone keypad numbers during a received call, captured in a block report. Moreover, both SMS text message and voice call preferences (along with email and app push notifications) can be set in the free SchoolMessenger web and mobile app, which allows parents to adjust contact methods and details. Overall, recipients have greater control over if, why, and where they are contacted.

# Can our schools and parents use the free SchoolMessenger app?

Yes. The SchoolMessenger web and mobile app gives parents access to school notifications of all types (text message, voice, email). Mobile versions of the SchoolMessenger app is available for download on both Apple's iOS and Android devices.

# How can we know if a phone number has issues, or has been reassigned to someone else?

Communicate does proactive, behind-the-scenes monitoring and automatically revokes consent for numbers at a higher risk of having been re-assigned or ported to a new owner (such as those with frequent disconnects) for which consent may no longer be valid. This new carrier data integration feature, using innovative Consent Lapse Intelligence (CLI), provides an additional layer of protection.

# How does Communicate combine all of these approaches to help improve TCPA compliance?

While each set of tools can be used individually, Communicate includes a unique Compliance Mode that intelligently combines and leverages various consent inputs for voice calls. Compliance Mode can be toggled on or off at the district level for all voice phone notifications to parents. When toggled on, Compliance Mode only initiates phone broadcasts to numbers for which consent is on file if the notification is not flagged as an "emergency" broadcast type. One approach may be for a district to undertake a campaign to build a good base of consent records, then contact us to activate Compliance Mode to have peace of mind that it is no longer calling parents or guardians for whom it cannot verify consent.

# Can Compliance Mode be turned off?

Yes. A district may have reasons to not use Compliance Mode based on their other record keeping procedures, policies, or processes. Schools can continue using Communicate as they do now.

# Do the tools in SchoolMessenger products ensure TCPA compliance?

No. Compliance is as much about school practices – how a school uses the tool – as it is the tool itself.

However, our tools are designed to streamline coming into, and maintaining, compliance. This Q&A and other TCPA-related materials provided by SchoolMessenger are not intended to and do not provide legal advice. We encourage you to consult with your legal counsel to best understand your organization's risk and options under the law.

# Questions?

If you have any questions regarding the above, please contact support.

## SchoolMessenger Support Number

**Email:** support@schoolmessenger.com

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