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March 24, 2017

SCHOOL LAW GROUP

School Districts Can Make Certain “Robocalls” To Parents Without Prior Express Consent

The Federal Communications Commission (“FCC”) has issued a ruling concluding that schools can properly make “robocalls” (send automated texts or messages) to parents’ cellphones if the message qualifies as an ‘emergency purpose’ or with parents’ consent. Ordinarily such robocalls would require the prior express consent of recipients under the federal Telephone Consumer Protection Act (“Act”).”

The Act prohibits telemarketing “robocalls” (prerecorded, electronic messaging) to residential telephones without the recipients’ prior consent, as well as all non-emergency calls using an automatic telephone dialing system without the recipients’ prior consent.

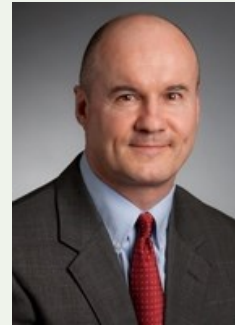
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Summary of FCC Issued Ruling

This FCC declaratory ruling included emergency and non-emergency calls. The FCC stated that schools can legally use autodialed calls and send automated texts to parent cellphones without prior consent for “emergency” purposes. Emergency purposes were noted to include weather closures, fire, health risks, threats and unexcused absences. The FCC reasoned that the calls were exempt from the notice requirement since they were based on situations affecting the health and safety of students and school staff. The FCC noted that schools should make efforts to regularly update their list of emergency contacts to reasonably ensure the robocalls properly go to parents of current students.

All robocalls by schools are not authorized by this ruling, but the FCC declared that non-emergency calls are still authorized under the Act. In its ruling the FCC indicated that “when a parent/guardian or student provides only their wireless number as a contact to a school, the scope of consent includes communications from the school closely related to the educational mission of the school or to official school activities absent instructions to the contrary from the party who provides the phone number.” The FCC concluded therefore that if a parent or student provides their cellphone number to their school district to use to contact the parent, they have provided permission to be called at that number for school-related reasons.

The FCC noted that if such robocalls were not for school-related purposes, they would likely not be authorized under the Act. Under the Act, parents and students do have the right to request not to receive non-emergency calls or texts from the school or to revoke any prior consent.

Federal Communications Commission FCC 16-88 **Declaratory Ruling (2016)**