



**Board of Education of the City of Chicago
Law Department**

May 7, 2015

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James L. Bebley
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Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: CG Docket No. 02-278
Reply Comments on Blackboard Inc. Petition for Expedited Declaratory
Ruling**

Dear Secretary Dortch:

The Board of Education of the City of Chicago, which represents the Chicago Public Schools ("CPS"), respectfully submits this letter in support of the Petition for Expedited Declaratory Ruling ("Petition") filed by Blackboard Inc. ("Blackboard"). The Petition asks the Federal Communications Commission ("FCC") to make certain declarations regarding the application of the Telephone Consumer Protection Act ("TCPA") to education-related informational messages. CPS uses the Blackboard Connect platform to send automated messages to parents, guardians, students, faculty, and other stakeholders in the CPS school community.

As the initial comments demonstrate, the TCPA does not apply to the mass notifications CPS and other educational institutions send to the school community to provide education-related information. These messages directly affect the health and safety of America's school children, as well as their parents and guardians. We therefore agree with Blackboard and the other educational institution commenters that all education-related informational messages fall squarely within the definition of a message sent for "emergency purposes" under the TCPA.

We also agree that neither Blackboard nor its educational institution customers should be subject to TCPA liability for education-related informational messages received in error. CPS recognizes the importance of ensuring its education-related informational messages are delivered consistent with the recipient's expectations and preferences, and requires message recipients to give consent for CPS to contact them and to designate how they prefer to be contacted. CPS strives to use high standards and practices in securing and maintaining the consent and the information necessary to contact recipients via their requested method of notification.

Recipients always have the ability to change their contact information or preferred contact methods by contacting CPS. Once CPS is notified of a change, it promptly updates its contact information database to correct the information. CPS, however, has no way of knowing

that a message was received in error unless it is notified otherwise. CPS must rely in good faith on the contact information parents and guardians are required to provide.

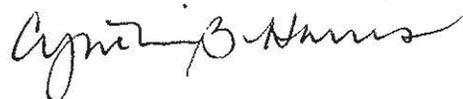
CPS is legally obligated to provide telephone notice of student absences to parents or guardians within two hours of the student's first class. 105 ILCS 5/26-3b. CPS also is required to notify parents or guardians of sudden illnesses, injuries or emergencies at school. 23 Ill. Admin. Code §1.530. As such, it is in the best interests of CPS and its students, parents and guardians to have current contact information. To that end, in addition to the contact-information consent obtained from parents and guardians at the beginning of each school year, parents and guardians are requested to confirm and update their contact information at least twice annually during report card conferences. Also, CPS's web-based tool for parents or guardians to monitor their child(ren)'s grades and attendance (and communicate with teachers) allows parents and guardians to update and change their preferred contact information and regularly prompts them at login to confirm their contact information.

The number of individuals requesting to be removed from the CPS database has been very small. From March 2014 to March 2015, CPS sent out 171,104 automated messages and 34,275,330 automated phone calls, but received only 172 requests to our central IT team to have a telephone number removed from the contact information database. In addition to this small number, other requests to remove a telephone number may have been directed to schools who removed it. While schools do not track requests, we believe the number would be similarly *de minimis*.

CPS operations are taxpayer-funded. Any expense to defend against TCPA claims would deplete funds that are designated to and essential for the education of Chicago's school children and would unduly burden taxpayers. Accordingly, we urge the FCC to promptly issue the Declaratory Ruling requested by Blackboard to affirm that education-related informational messages sent by schools are exempt from the requirements of the TCPA, and are not subject to liability when sent to a wireless telephone number in error. While we appreciate the concern about unwanted telemarketing robocalls, the FCC should ensure that America's—and Chicago's—families can continue to receive essential, time-sensitive education-related information on their wireless devices without subjecting educational institutions and their vendors such as Blackboard to the risk of TCPA liability.

Thank you for the opportunity to share our concerns and comments on Blackboard's Petition.

Respectfully submitted,



Cynthia B. Harris
Senior Assistant General Counsel

cc: Lachlan Tidmarsh, Chief Information Officer, Chicago Public Schools