

Regulation 3523 Electronic Signature

Status: ADOPTED

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Last Revised Date: 06/26/2024

When authorized by law, electronic signatures may be used in the operation of district business and/or administration.

In any business transaction, an electronic signature shall only be used when each party has agreed to conduct the transaction by electronic means. In other district operations, the Superintendent or designee may require the use of an electronic signature. (Civil Code 1633.5; 15 USC 7001)

A *digital signature* is defined as an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. (Government Code 16.5)

An *electronic signature* consists of an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. (Civil Code 1633.2)

In order for an electronic signature to be used, the electronic signature shall be: (Government Code 16.5; 2 CCR 22002)

1. Unique to the person using it
2. Capable of verification
3. Under the sole control of the person using it
4. Linked to data in such a manner that if the data are changed the electronic signature is invalidated
5. Conform to 2 CCR 22000-22005

Prior to accepting an electronic signature, the Superintendent or designee shall ensure the following: (2 CCR 22005)

1. That the signature is created by acceptable technology pursuant to 2 CCR 22003
2. That the level of security used to identify the signer of the document and to transmit the signature is sufficient for the transaction being conducted

- That, if a certificate is a required component of the electronic signature, the certificate format used by the signer is sufficient for the security and interoperability needs of the district.

If a notarized signature is required with respect to an electronic signature, the electronic signature of the notary public together with all of the other information required by law to be included in a notarization shall accompany the electronic signature. (Civil Code 1633.11)

If a statement is required to be signed under penalty of perjury, the electronic signature shall include all of the information to which the declaration pertains together with a declaration under penalty of perjury by the person who submits the electronic signature that the information is true and correct. (Civil Code 1633.11)

06/26/2024

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

2 CCR 22000-22005
 5 CCR 16020-16022
 5 CCR 16023-16027
 5 CCR 430
 5 CCR 432
 Civ. Code 1633.1-1633.17
 Civ. Code 1798.29
 Ed. Code 35252-35255
 Ed. Code 44031
 Ed. Code 49060-49079.7
 Ed. Code 8234
 Gov. Code 16.5
 Gov. Code 7920.000-7930.215
 Gov. Code 811.2

Description

Public entity use of electronic signatures
 Records; general provisions
 District records; retention and destruction
 Individual student records; definition
 Student records
Uniform Electronic Transactions Act
District records; breach of security
Records and reports
Personnel file contents and inspection
Student records
Electronic signatures; child care and development programs
Electronic signatures
California Public Records Act
Definition of public entity

Federal

15 USC 7001-7006
 20 USC 1232g
 20 USC 1400-1482
 34 CFR 300-300.818

 34 CFR 99.1-99.8

Description

Electronic Records and Signatures in Commerce Act
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Individuals with Disabilities Education Act
 Assistance to states for the education of students with disabilities
 Family Educational Rights and Privacy Act

Management Resources

California Department of Education
 Publication
 Website

Description

Management Bulletin 17-13, October 2017

CSBA District and County Office of Education Legal Services

Cross References

Code

3510
 3580
 3580

Description

Green School Operations
District Records
District Records

5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>