COLORADO
Department of Education

Online Signature Guidance

For use in completing

School Auditing Office forms

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School Auditing Office
201 E. Colfax Ave., Room 206, Denver, CO 80203
audit@cde.state.co.us

Introduction

The School Auditing Office provides sample documents for use by schools and districts to collect information from parents/guardians and students, which can then be submitted at the time of audit to demonstrate a student's eligibility for funding. **The guidance provided in this document pertains only to the Affidavit(s) described below.**

The **Affidavit of Residency** and **Affidavit of State of Colorado Residency** allow parents/guardians and students enrolled in Online Schools and Programs (who do not attend school in a physical location) and brick-and-mortar students who do not regularly attend on-site to affirm that they are residents of Colorado and thus meet the residency requirement for funding.

Because affirmation of the information contained on these forms is used in the determination of funding eligibility, a parent/guardian's (or student's) dated signature is required for the School Auditing Office to consider the document.

Electronic Signatures

Historically, the Affidavit(s) of Residency have been completed by a parent/guardian or student in person, at or around the time of enrollment (or at the beginning of the school year). However, as many districts have begun collecting enrollment forms and other documents electronically (such as through an online parent or student portal), there has been an increased interest in collecting the Affidavits electronically as well.

In order for the School Auditing Office to accept electronically submitted forms, the district or school must develop processes to ensure that the signatures are valid (i.e., that the signer's identity, intent, and the date of the signature are confirmed).

Confirming the Validity of Electronic Signatures

There is a difference between a *digital signature* and an *electronic signature*.

- An *electronic signature* is often associated with a contract where the signer has the intention to affirm, execute, or accept an agreement.
- A *digital signature* is a type of electronic signature which is based on a mathematical algorithm designed to create a unique virtual fingerprint for use in identifying the signer. The standards for a digital signature are stricter and do not need to be met by signers completing the Affidavit of Residency or Affidavit of State of Colorado Residency forms.

To qualify as an enforceable electronic signature, there must be evidence of the signer's intent to execute or accept the agreement. This is typically accomplished by requiring the signer to take affirmative action, like typing their name or drawing their signature using a mouse or touchscreen. Further, the district or school must have in place a process for validating the signer's identity and the source of the transmission.

The identity of the signer can be established by using any of the following:

- something the individual knows (e.g., a password or secret number, personal information)
- something the individual possesses (e.g., a token or magnetic card)
- something the individual is (e.g., a physical or biometric attribute)
- any combination of the above

The source of the transmission should be recorded and available, and may include:

- student/parent portal account name
- mail server identification
- email account name
- time-stamped Internet Protocol ("IP") address

The date the document was signed and submitted should be recorded and available, and may include:

- time-stamp of student/parent portal form submission
- email showing the form was attached that shows the "Sent" date and time
- handwritten date on a document that was printed, signed, then scanned (and emailed) or faxed
- fax delivery receipt
- time-stamp placed on a document using secure software that verifies the identity of the user on the other end (e.g. DocuSign)

Examples of Acceptable and Unacceptable Electronic Signatures

Valid Forms of Electronic Signature – Verifiable Authenticity of the e-Signature

- A handwritten signature on a document is valid, including when the entire document is scanned (and emailed) or faxed.
- A graphic image of a signature placed on a document using secure software that verifies the identity of the user on the other end (e.g. DocuSign) is valid.
- Marks, initials, or checkboxes provided through an online form that is accessible through a School-Sponsored Academic Portal for Students and Parents, requiring the inputting of credentials tied to the individual's account are valid (for signatures).

Invalid Forms of Electronic Signatures – WILL NOT BE ACCEPTED

- A graphic image of a signature placed on a document and not verified by secure software is generally discouraged and will not be enforceable unless accompanied by an email or other contemporaneous evidence of the signer's intent to accept the agreement.

- A typewritten name, regardless of font, that has not been verified by secure software or through the School-Sponsored Academic Portal for Students and Parents is not valid.

e-Signature Collection Methods - In Order of Preference (High to Low)

The Colorado Department of Education's Personally Identifiable Information (PII) policy prohibits the transmission of any documentation containing PII via email or other non-secure methods to, from, or within the Department. However, each district is responsible for determining the method of secure document transmission which is most appropriate for internal use by its teachers, staff, parents/guardians, and students. In general, the following is the preferred order of transmission for documents containing sensitive information:

- School-Sponsored Academic Portal for Students and Parents
- Supervised Fax Machine
- Email

Variations of the School Auditing Office Forms

The Affidavit of Residency and Affidavit of State of Colorado Residency forms are only sample documents, provided to districts and schools, which demonstrate the minimum information which must be collected in order to establish funding eligibility requirements have been met. It is not necessary that a district or school use the specific forms provided by the School Auditing Office in order to collect this information from parents/guardians or students. Any document (including reports generated through a student/parent portal) which includes **all** of the required information shown on the Affidavit sample forms will be acceptable, **provided that the document is appropriately signed and dated, as described above.** No matter how the information is obtained, districts should be prepared, at the time of audit, to provide an explanation of the process used to obtain the completer's dated signature.

Contact the School Auditing Office

For general concerns about electronic signatures on School Auditing Office forms or questions about whether a specific document will be acceptable at the time of audit, please contact the School Auditing Office at audit@cde.state.co.us.