

Regulation 3523: Electronic Signatures

Status: DRAFT

Original Adopted Date: Pending

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
3. 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)

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 22000-22005	Public entity use of electronic signatures
5 CCR 16020-16022	Records; general provisions
5 CCR 16023-16027	District records; retention and destruction

State

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

[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

3580
 3580
 5148.3
 5148.3
 6159.1
 6159.1

Description

[District Records](#)
[District Records](#)
[Preschool/Early Childhood Education](#)
[Preschool/Early Childhood Education](#)
[Procedural Safeguards And Complaints For Special Education](#)
[Procedural Safeguards And Complaints For Special Education](#)