

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: ELECTRONIC RECORDS/
SIGNATURES

ADOPTED: MARCH 17, 2014

831. ELECTRONIC RECORDS/SIGNATURES	
<p>1. Purpose</p>	<p>Under certain conditions, electronic records and signatures satisfy the requirements of a written signature when transacting business. The East Stroudsburg Area School District wishes to promote effective and efficient use of electronic communications to conduct business. Although all electronic signatures are represented digitally, they can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic records and signatures relating to transactions are dependent on the accompany processes, supplemental records and the overall context in which records are created, transferred, signed and stored. The East Stroudsburg Area School District adopts the following policy with respect to the use of electronic records and signatures in connection with the transaction of district business. This includes the School-Based ACCESS Program (SBAP).</p> <p><u>Under certain conditions, electronic records and signatures satisfy the requirements of a manual record and/or signature when transacting business. The Board recognizes that the effectiveness of electronic records and signatures depends upon the authenticity and reliability of the signatures and the context in which the electronic records are created, transferred and stored. Therefore, the Board adopts this policy to allow for the use of and acceptance of electronic records and signatures and to establish the guidelines under which electronic signatures may be utilized by the district.[1]</u></p>
<p>2. Definitions 15 U.S.C. —Sec. 7006</p>	<p>Electronic Signature — an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.</p> <p>School-Based ACCESS Program — a program that allows Local Education Agencies (LEAs) to receive Medicaid reimbursement for IEP medically necessary health-related services provided to students who are eligible for Medical Assistance (MA).</p> <p>Electronic Record — any record created, generated, sent, communicated, received or stored by electronic means.</p> <p>Electronic record – any record created, generated, sent, communicated, received, or stored by electronic means.[4][5][6]</p> <p>Electronic signature – an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the</p>

<p>3. Authority</p>	<p><u>intent to sign the record. More simply, it is a paperless means of committing to a contract or other document in a manner that indicates the signer’s intent to bind themselves and/or the district.[5][6]</u></p> <p>As permitted under the SBAP, electronic signatures may satisfy the requirements of a written signature of SBAP provider logs. The Board recognizes that the authenticity and reliability of electronic signatures are dependent on the processes accompanying the use of such signatures.</p> <p><u>The Board authorizes the use of electronic signatures in place of manual signatures to conduct district business unless a manual signature is required by law or regulations.</u></p> <p><u>Electronic signatures shall have the full force and effect of a manual signature when used in accordance with this policy and applicable law and regulations.[1]</u></p> <p><u>Electronic records filed with or issued by the district shall have the full force and effect of paper records when the requirements of this policy and applicable law and regulations are satisfied.[2][3][4]</u></p> <p><u>This policy applies to the use of electronic records and signatures when permitted or required in connection with district programs and operations.</u></p>
<p>4. Delegation of Responsibility</p>	<p>The Superintendent or designee may develop administrative procedures necessary to implement this policy.</p> <p><u>The Superintendent or designee shall develop administrative regulations to direct staff on the parameters for authorized use of electronic signatures related to district programs and operations.</u></p>
<p>5. Guidelines</p>	<p>Electronic signatures shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:</p> <ol style="list-style-type: none"> 1. The electronic signatures identifies the individual signing the document by his/her name and title; 2. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed; 3. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit train; and 4. The electronic signature conforms to all other provisions of this policy. <p><u>Electronic Recordkeeping</u></p> <p><u>The maintenance of electronic records and signatures by the district shall comply with the electronic recordkeeping requirements of state and federal laws and</u></p>

regulations and the district's Records Management Plan.[4][7]

Electronic records created or received by the district shall be appropriately attributed to the individual(s) responsible for their creation, authorization and/or approval.

The district may specify the type of electronic signature required on an electronic record, the manner and format in which the electronic signature must be affixed to the electronic record, and the criteria that must be met when an individual uses a third party to file a document if electronic records must be signed by electronic means.[8]

The district shall implement and maintain electronic recordkeeping systems to securely receive, store, and reproduce electronic records and signatures relating to transactions in their original form.[6][9][10]

~~The district shall develop and maintain an electronic record keeping system that can receive, store, and reproduce electronic records and signatures relating to transactions in their original form. Such system shall include security procedures whereby the district can:~~

- ~~1. Verify the attribution of a signature to a specific individual;~~
- ~~2. Detect changes or errors in the information contained in a record submitted electronically;~~
- ~~3. Protect and prevent access, alteration, manipulation or use by an unauthorized person; and~~
- ~~4. Provide for non reproduction through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.~~

Such a system shall allow the district to implement:

1. A security procedure for the purposes of verifying that an electronic signature is that of a specific person or for detecting changes or errors in the information in an electronic record.
2. Appropriate control processes and procedures to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records.[8]
3. A consistent manner and format in which the electronic records must be created, generated, sent, communicated, received and stored.[8]

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a

specific law, regulation, or order that requires records to be manually signed. The issuance and/or acceptance of an electronic signature by the district shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws and regulations. Such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:[1][2][11][12]

1. The signing employee is authorized to manually sign the document on behalf of the district.
2. The electronic signature identifies the individual signing the document by their name and position.
3. The individual signing with an electronic signature has signed a statement of exclusive use.
4. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail.
5. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been applied.
6. The electronic signature conforms to all other provisions of this policy.

The district shall maintain a secure log of each employee authorized to utilize an electronic signature in connection with district business.[4]

This policy does not require a specific method for executing an electronic signature. The employee signing a particular document is responsible for verifying that the method chosen is appropriate for the nature of the transaction. Employees must consider confidentiality, authentication of signatures, and verification that the document signed is, in all respects, identical to the one to which the signer intends to bind the district.

Any electronic signature that appears to be forged, altered, or otherwise not authentic, or that is not compliant with law or regulation, this policy or related administrative regulation, is not a valid signature. Should an electronic signature be deemed invalid, the Superintendent or designee may require a manual signature.

All other policies that apply to the execution of contracts or other documents on behalf of the district remain in full force and effect.

~~The district will receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.~~

~~The district will retain in its records this policy and all statements of exclusive use, until such time as all legally mandated retention requirements are satisfied.~~

~~The district shall maintain a secure hard copy log of the PIN/Password or actual signature of any individual authorized to provide an electronic signature in connection with the SBAP.~~

References:

1. 73 P.S. 2260.101 et seq

2. 15 U.S.C. 7001 et seq

3. 73 P.S. 2260.301 et seq

4. Pol. 800

5. 15 U.S.C. 7006

6. 73 P.S. 2260.103

7. Pol. 815

8. 73 P.S. 2260.502

~~Pennsylvania Electronic Transactions Act—73 P.S. Sec. 2260.101 et seq.~~

~~U.S. Electronic Signatures in Global and National Commerce Act—15 U.S.C. Sec. 7001 et seq.~~