

Book
WSSD Policy Manual
Section
800 Operations
Title
Electronic Signatures/Records
Code
800.2
Status
Active
Legal
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
9. 73 P.S. 2260.305
10. 73 P.S. 2260.306
11. 21 P.S. 483.1 et seq
12. Pol. 204
15 U.S.C. 7001 et seq
73 P.S. 2260.101 et seq
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Purpose

The Board recognizes the effective and efficient use of electronic communications to conduct business. The Board also 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. Under certain conditions electronic signatures satisfy the requirements of a written signature when transacting 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 signatures relating to transactions are dependent on the~~



~~accompanying processes, supplemental records and the overall context in which records are created, transferred, signed, and stored.~~

Authority

~~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. Electronic signatures or electronic records filed with or issued by the District shall have the full force and effect of a manual signature when used in accordance with this policy and applicable law and regulations.[1][2][3][4]~~

~~This policy applies to the use of electronic records and signatures when permitted as described in this policy or required in connection with District programs and operations. 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]~~

Definitions

Attribution - an electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic signature was attributable.

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. [5][6]

Electronic Record - any record created, generated, sent, communicated, received, or stored by electronic means. [4][5][6]

Delegation of Responsibility

~~The Superintendent or designee shall develop administrative regulations to direct staff on the parameters for authorized use of electronic signatures/records related to District programs and operations.~~

Guidelines

Electronic Recordkeeping

~~The maintenance of electronic records and signatures by the District shall comply with the electronic recordkeeping requirements of state and federal laws and regulations and the District's Records Management Plan.[4][7]~~

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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 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]

Such systems 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 Signature

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 signed in nonelectronic form. 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]

- ~~1. The electronic signature identifies the individual signing the document by his/her name and title;~~
- ~~2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;~~
- ~~3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed; and~~
- ~~4. The electronic signature conforms to all other provisions of this policy.~~

Acceptance, Use and Issuance of Electronic Records and Signatures



~~The District may utilize electronic recordkeeping systems 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;~~
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- ~~3. Protect and prevent access, alteration, manipulation or use by an unauthorized person; and~~
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- ~~4. Provide for nonreproduction through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.~~

~~The District shall ensure that all electronic signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.[1]~~

~~The Superintendent may affix an e-signature, shall designate individuals who are authorized to utilize an electronic signature in connection with District business, and shall require each designated individual to sign a statement of exclusive use.~~

~~The District may elect to receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic, and conforms to all other provisions of this policy.~~

~~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.~~

~~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.~~

~~The District will not accept electronic signatures on student records including, but not limited to, absence excuses from parents, educational trip requests, and certain documents related to the Individuals with Disabilities Education Act. Board Policy 204 stipulates the requirements necessary for the acceptance of student absence excuses from physicians, physician assistants, and nurse practitioners.[2]~~



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All other policies that apply to the execution of contracts or other documents on behalf of the District remain in full force and effect. No employee may bind the District to any contract unless expressly authorized by the Superintendent or Board. The Superintendent may only authorize employees to bind the District when they would normally have that right, or when the Board specifically designates such right.