

**Policy**

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**ELECTRONIC SIGNATURES**

Electronic or digital signatures 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, and signed. The board of education adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this district.

Definitions (N.J.S.A. 12A:12-2)

A. Attribution

An attribution is an electronic record or electronic signature that 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 record or electronic signature was attributable (N.J.S.A. 12A:12-9)

B. Electronic Signature

An electronic signature is 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.

C. Electronic Record

An electronic record is any record created, generated, sent, communicated, received or stored by electronic means.

Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the district, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

The chief school administrator shall consult the board attorney and/or the auditor in any uncertainty concerning the production of use of electronic record or electronic signatures.

Electronic Records

Electronic records created or received by the district shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The district shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the district may be given full force and effect of a paper communication if the following conditions are satisfied:

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- A. The communication is an electronic filing or recording and the board agrees to accept or send such communication electronically;
- B. The communication is an electronic filing or recording between the board and another party, each of which has agreed to conduct transactions by electronic means (N.J.S.A. 12A:12-5); and
- C. If a signature is required on the record or communication by any statute, rule, or other applicable law or board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the board may be permitted in accordance with the provisions of this policy and the New Jersey Uniform Electronic Transactions Act (N.J.S.A. 12A:12-1 et seq.) and the U.S. Electronic Signatures in Global and National Commerce Act (15 U.S.C.A. Sec. 7001 et seq.). If permitted, 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:

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

Acceptance, Use and Issuance of Electronic Records and Signatures

The board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. This system shall include security procedures whereby the board can:

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

The board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention

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requirements are satisfied (see board policy 3570 District Records and Reports).

The board 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 School Board business. The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Transaction Exceptions

This policy does not apply to a transaction to the extent it is governed by:

- A. A law governing the creation and execution of wills, codicils or testamentary trusts;
- B. The Uniform Commercial Code N.J.S.A. 12A:1-101 other than section captions (N.J.S.A. 12A:1-107) and presumptions (N.J.S.A. 12A:1-206), N.J.S.A. 12A:2 Sales and N.J.S.A. 12A:2A Leases;
- C. A statute, regulation or other rule of law governing adoption, divorce or other matters of family law.

General Exceptions

This policy does not apply to:

- A. Court orders or notices or official court documents (including briefs, pleadings and other writings) required to be executed in connection with court proceedings;
- B. Any notice of:
  - 1. The cancellation or termination of utility services (including water, heat and power);
  - 2. The default, acceleration, repossession, foreclosure or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;
  - 3. The cancellation or termination of health insurance benefits or life insurance benefits (excluding annuities); or
  - 4. The recall of a product, or material failure of a product, that risks endangering health or safety; or
- C. Any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials (N.J.S.A. 12A:12-3).

Adopted: June 23, 2021

Key Words

Attribution, Signature, Electronic Signature, Electronic Record

**Legal References:** N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
N.J.S.A. 2A:38A-1 et seq. Computer System

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<u>N.J.S.A.</u> 2C:20-25	Computer Related Theft
<u>N.J.S.A.</u> 12A:1-101 <u>et seq.</u>	Uniform commercial code
<u>N.J.S.A.</u> 12A:2-101	Sales
<u>N.J.S.A.</u> 12A:2A-101 <u>et seq.</u>	Leases
<u>N.J.S.A.</u> 12A:12-1 <u>et seq.</u>	Uniform Electronic Transactions Act
<u>See particularly:</u>	
<u>N.J.S.A.</u> 12A:12-2, -5, -9	
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A.</u> 18A:36-35	School Internet websites; disclosure of certain student information prohibited
<u>N.J.S.A.</u> 18A:36-39	Notification by school to certain persons using certain electronic devices; fine
<u>N.J.S.A.</u> 47:1A-1 <u>et seq.</u>	Examination and copies of public records ( <u>Open Public Records Act</u> )
<u>N.J.S.A.</u> 47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student records
U.S. <u>Electronic Signatures in Global and National Commerce Act</u> , 15 <u>U.S.C.A.</u> Sec. 7001 <u>et seq.</u>	

*Based on a 2015 sample policy from Alexandria City, Virginia*

**Possible**

<b><u>Cross References:</u></b>	*1000/1010	Concepts and Roles in Community Relations
	*1100	Communication with the Public; and
	*1111	District Publications
	*3000	Concepts and Roles in Business
	*3100	Budget Planning Preparation and Adoption
	*3300	Purchasing
	*3510	Operation and Maintenance of Plant
	*3600	Evaluation of Business and Noninstructional Operations
	*3570	District records and reports
	*5124	Reporting to parents/guardians
	*4131/4131.1	Professional Development
	*6141	Curriculum design and development
	*9322	Public and executive sessions

\*Indicates policy is included in the Critical Policy Reference Manual.