

Fresno Unified Administrative Regulation (AR) 3523 Electronic Signatures

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)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE:

35252-35255 Records and reports
44031 Personnel file contents and inspection
49060-49079.7 Student records
8234 Electronic signatures; childcare and development programs

GOVERNMENT CODE:

1633.17 Uniform Electronic Transactions Act
1798.29 District records; breach of security
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
5 CCR 430 Individual student records; definition
5 CCR 432 Student records
16.5 Electronic signatures
6252-6265 Inspection of public records
811.2 Definition of public entity
15 USC 7001-7006 Electronic Records and Signatures in Commerce Act
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482 Individuals with Disabilities Education Act
34 CFR 300-300.818 Assistance to states for the education of students with disabilities
34 CFR 99.1-99.8 Family Educational Rights and Privacy Act

CODE:

(c.f. 3510 – Green School Operations)
(c.f. 3580 – District Records)
(c.f. 5148 – Child Care and Development)
(c.f. 5148.3 – Preschool/Early Childhood Education)
(c.f. 6159.1 – Procedural Safeguards and Complaints for Special Education)

Regulation FRESNO UNIFIED SCHOOL DISTRICT
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Policy Section: 3000 Business and Noninstructional Operations