


HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

	Administration/Business	AB23-1101
	Electronic Signature Policy	ADOPTED DATE: November 21, 2023 REVIEW DATE:

Purpose: The Board of Trustees of Charter School (“Board”) recognizes its responsibility for utilizing emerging technology for the compilation, retention, disposition, and security of files necessary for efficient management of the educational setting.

Quality educational programming requires the collection, retention, and use of data and information through a variety of means and purposes. The Charter School (“Charter School”) maintains educationally relevant records for legitimate educational purposes, while ensuring an individual's student’s right to privacy.

This Board policy establishes the usage and disclosure of electronic records and signatures stored or sent via electronic means by administration, employees and other users of Charter School computers and networks for the purposes of educationally relevant records, required for the operation of the educational setting.

Authority: Under certain conditions, electronic records and signatures satisfy the requirements of a written signature when transacting business including educational programming purposes. The Charter School wishes to promote effective and efficient use of electronic communications. 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 accompanying processes, supplemental records, and the overall context in which records are created, transferred, signed, and stored. The Charter School adopts the following policy with respect to the use of electronic records and signatures in connection with the transaction of Charter School business. This includes the records maintained pursuant to Individuals with Disabilities Education Act (IDEA), The Family Education Rights Privacy Act (FERPA), and the School-Based ACCESS Program (SBAP) and other applicable federal and state laws.

Definitions: Attribution - An electronic record or 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 record or 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.

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Electronic Record - Any record created, generated, sent, communicated, received, or stored by electronic means.

Policy:

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

1. The communication is an electronic filing or recording and the Charter School agrees to accept or send such communication electronically.
2. If a signature is required on the record or communication by any statute, rule, or other applicable law or Charter School policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures. Signatures cannot be altered by ordinary means, thus ensuring security.

Individuals with Disabilities Education Act (IDEA) – Pursuant to the US DOE, IDEA requires public agencies to obtain informed consent from the parent of the child, consistent with pursuant to 34 C.F.R. §300.9, before conducting an initial evaluation and a reevaluation of a child, subject to certain exceptions, and before the initial provision of special education and related services to the child. 34 C.F.R. §300.300. Under 34 C.F.R. §300.9, consent, which must be voluntary on the part of the parent, means the parent has been fully informed of, and agrees in writing to the activity for which his or her consent has been requested. Under some circumstances it may not be possible or preferable to obtain a parent’s signed, written consent in-person.

In developing appropriate safeguards for using electronic or digital signatures consistent with the protections under FERPA, the Charter School has determined that a “signed and dated written consent” may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the consent and indicates such person’s approval of the information contained in the electronic consent. See 34 C.F.R. § 99.30(d) (consent for disclosure of personally identifiable information (PII) from education records).

These safeguards also should include a statement that indicates that the parent has been fully informed of the relevant activity and that the consent is voluntary on the part of the parent consistent with the IDEA definition of “consent” in 34 C.F.R. § 300.9. The Charter School shall obtain a signed consent and authorization (see Attached Consent/Authorization) from the parent or student 18 years old or older regarding such voluntary consent for the use of electronic documents and electronic signatures.

IDEA Part B also requires that prior to accessing a child’s or parent’s public benefits or insurance for the first time and after providing the annual notification to parents consistent with [34 C.F.R. § 300.154\(d\)\(2\)\(v\)](#), the public agency must obtain written consent from the parent that meets the requirements of 34 C.F.R. §§[99.30](#) and [300.622](#), for disclosure of PII from education records to a State’s public benefits or insurance program (e.g., Medicaid) in order for the public agency to bill that State’s program for services provided under [34 C.F.R. Part 300](#). 34 C.F.R. §[300.154\(d\)\(2\)\(iv\)](#).

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FERPA - Disclosure of PII from student's educational records – If safeguards are applied and met, pursuant to the IDEA section of this policy, electronic signatures for consent may be accepted for disclosure of PII from education records. If consent is required, because no specific exception exists pursuant to IDEA or FERPA, consent must be voluntary, on part of the parent or student who is 18 years old or older, fully informed and agreed to in writing to the activity for which consent has been requested. 34 C.F.R. §300.9.

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).

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.

Electronic Signature

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or rule of law that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the Charter School shall be permitted in accordance with the provisions of this policy and all applicable state and federal law. 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. 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.
4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use and Issuance of Electronic Records and Signatures

1. The Charter School shall develop and maintain an electronic recordkeeping 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 Charter School 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.
2. The Charter School 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 requirements are satisfied.

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3. The Charter School shall designate individuals who are authorized to utilize an electronic signature in connection with Charter School business and shall require each designated individual to sign a statement of exclusive use.
4. The Charter School 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 Charter School business.
5. The Charter School will receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.
6. The Charter School will retain in its records this policy and all statements of exclusive use, until such time as all legally mandated retention requirements are satisfied.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.