

## SECTION 37 – SCHOLAR POLICY – DIGITAL SIGNATURE POLICY

Compass Charter Schools (the “Charter School”) has adopted this Digital Signature Policy to increase productivity and ensure convenient, timely and appropriate access to Charter School information by using digital signature technology to collect and preserve signatures on documents quickly, securely, and efficiently.

The legality and use of digital signatures are governed by 15 U.S.C. Sections 7001, *et seq.* Government Code Section 16.5; and Civil Code Sections 1633.1, *et seq.*

This Policy establishes when digital signature technology may replace a hand-written signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy applies to all signatures used in processing various Charter School documents and assumes the signee has been given the authority to sign as determined by the Board of Directors.

While the use of digital signatures is suggested and encouraged, this Policy does not require the use of digital signatures, nor can the Charter School mandate that any third party signing a document use digital signatures.

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. Affixing a digital signature to a document in a manner consistent with this Policy shall satisfy the Charter School’s requirements for signing a document. As used in this Policy, the term "signature" includes using initials on a document instead of a signature.

### **Requirements of a Digital Signature**

A digital signature means 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. For purposes of this section, a digital signature is a type of “electronic signature” as defined in Civil Code Section 1633.2(h).

The use of a digital signature is permitted and shall have the same force and effect as the use of a “wet” or manual signature if all the following criteria are met:

1. The digital signature is unique to the person using it.
2. The digital signature is capable of verification.
3. The digital signature is under the sole control of the person using it.
4. The digital signature is linked to the data in such a manner that if the data is changed after the digital signature is affixed, the electronic signature is invalidated.

## **Common Types of Documents**

This Policy is intended permit the use of digital signatures to the greatest extent permitted by law. Examples of common types of documents for which digital signatures are permitted include purchase orders, contracts not requiring Board approval, and certain special education notice requirements. The Charter School shall work with legal counsel to determine where applicable laws permit a digital signature to be used.

## **Documents Involving Other Parties**

In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of a digital signature. No party to a contract or other document may be forced to accept a digital signature; they must be permitted to decide either way. Such consent may be withdrawn by the other party at any time such that future documents must be signed in hardcopy format.

When a document is digitally signed by all parties, the Charter School shall provide a copy of the digitally-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

## **Storage and Archiving of Digitally-Signed Documents**

If a document exists only electronically, steps shall be taken by the Charter School to ensure that a fixed version of the final document is stored consistent with document retention policies and any applicable law.

## **Digital Signature Solution Providers**

The Charter School shall work with legal counsel to determine acceptable technologies and digital signature providers consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature. An approved list of Digital Signature Certification Authorities certified by the California Secretary of State for use by public entities is maintained at the following web site. <https://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/approved-certification-authorities><sup>1</sup>.

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<sup>1</sup> Effective 4/22/2020, the requirement for certification of digital signatures is not in effect due to emergency regulations. These emergency regulations remain in effect through 10/20/2020, or until that date is extended or the emergency regulations are made permanent by regulatory action. Therefore, at the time of the drafting of this Policy, this list is not active.