



Digital Signatures and Obtaining Parental Consent

The following document provides information regarding digital signatures and documentation of consent. Additional resources are available on our website at <https://charterelpa.org/covid-19/>.

Due to COVID-19 school closures, obtaining a signature on an IEP or special education related document in person may not be a viable option. Alternatively, digital signatures are an appropriate and legally compliant means of obtaining and documenting parent consent. Please note the LEA must seek consent to use digital signatures from the parent, and that consent should be documented clearly (in the notes of the meeting, the body of the amendment, etc.). In addition, an LEA should not deny a student FAPE while waiting for a digital signature. If a parent/guardian consents to FAPE in an alternative way (verbally or in email), this can be noted in the IEP paperwork and an LEA could choose to implement the changes to FAPE while working with the parent/guardian to provide a signature of consent.

What is a Digital Signature?

One element of consent, as defined in 34 C.F.R. § 300.9(b), is that the parent must understand and agree in writing. Digital signature uses a certificate-based digital ID to authenticate a signer's identity. California Government Code section 16.5 states that a digital signature shall have the same force and effect as a manual signature if ALL of the following conditions are met:

1. It is unique to the person using it
 2. It is capable of verification
 3. It is under the sole control of the person using it
 4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated
 5. It conforms to regulations adopted by the Secretary of State (see 2 C.C.R. 22000 et seq.)
- These regulations define the types of technologies that are acceptable for creating digital signatures for use by public entities in California.

Available Options for Digital Signatures

According to the CDE COVID-19 Guidance document (09-APR-2020), options for electronic signatures or digital signatures could include but are not limited to use of applications such as HelloSign, DocuSign, Adobe Sign, as well as scanned copies or photographs of signed documents. For record keeping purposes, it is recommended that LEAs maintain documentation as proof of consent, including printed or mailed copies of signed documents.

Alternatives to Digital Signatures

While digital signatures are an effective and convenient means of securing parental consent, an LEA cannot require a parent to use a digital signature. Additionally, technology challenges or other barriers may exist for some families. In such cases, LEAs may consider sending paper documents via certified US mail with stamped and addressed return envelopes in order to obtain needed signatures.

For more information from CDE, the Special Education Guidance for COVID-19 web page can be accessed [here](#).

If you have any questions related to digital signatures and obtaining parental consent, please do not hesitate to reach out to the LEA's assigned program specialist or the El Dorado County SELPA/Charter SELPA main office at (530) 295-2462.

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