Information

In 2005, the CCCApply (online application to the California Community Colleges) started to work on title 5 language to address electronic signatures and develop viable regulations to govern electronic signatures. The work of the California Community Colleges Chancellor’s Office and the CCCApply team resulted in AB1646 (language below):

SECTION 1. Section 70901.1 of the Education Code is amended to read:
70901.1. The Board of Governors of the California Community Colleges shall adopt regulations that permit the governing board of a community college district to allow applications for admission, student residency determination forms, and other documents to be submitted electronically. The regulations shall require that applicants and students be informed of the relative security of the information they submit electronically.

Then in 2008, AB521 adds the following language:
70901.1. (a) The Board of Governors of the California Community Colleges shall adopt regulations that permit the governing board of a community college district to allow applications for admission to be submitted electronically. The regulations shall require that applicants be informed of the relative security of the information they submit electronically.
(b) Upon adoption of a standard of encrypted digital signatures by the Secretary of State, the Board of Governors of the California Community Colleges shall adopt regulations that permit the governing board of a community college district to allow student residency determination forms to be submitted electronically

Issue

The board regulations mentioned in 70901.1 were never written.

The California Community Colleges Chancellor’s Office and the CCCApply Steering Committee put forth the following regulations:
ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
PROPOSED REVISIONS TO TITLE 5 REGULATIONS:
ELECTRONIC SUBMISSIONS

1. Section 54300 of subchapter 4.5 of chapter 5 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 54300. Electronic Applications and Electronic Signatures.

(a) Community college districts may authorize the electronic submission of any admission form or student form or document.
(b) Electronic signatures in lieu of manual signatures may be used on any documents requiring a signature, providing the electronic signature meets following standards, unless otherwise required to meet a higher standard under Federal or State regulation or law:
   (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.
(c) Prior to the electronic submission of any information, districts will inform applicants and students of the relative security of the information they submit electronically.

Note: Authority cited: Sections 66700, 70901 and 70901.1, Education Code. Reference: Section 70901.1, Education Code; and 15 USC Sections 7001, et seq.

This regulation is scheduled for a first reading by the board of governors at its September 2012 meeting.
ATTACHMENT 2

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
PROPOSED REVISIONS TO TITLE 5 REGULATIONS:
ELECTRONIC SUBMISSIONS

1. Section 54300 of subchapter 4.5 of chapter 5 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 54300. Electronic Applications and Electronic Signatures.

(a) Community college districts may authorize the electronic submission of any admission form or student form or document.

(b) Electronic signatures in lieu of manual signatures may be used on any documents requiring a signature, providing the electronic signature meets the standards for electronic signatures in electronic student loan transactions adopted by the U.S. Department of Education to implement the Electronic Signatures in Global and National Commerce Act (15 U.S.C. §§ 7001 et seq.). following standards, unless otherwise required to meet a higher standard under Federal or State regulation or law:

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.

(c) Applications for admission and residency questionnaires submitted electronically are valid only if they include electronic signatures that satisfy the requirements of subdivision (b).

(d) Prior to the electronic submission of any information, districts will inform applicants and students of the relative security of the information they submit electronically.

Note: Authority cited: Sections 66700, 70901 and 70901.1, Education Code. Reference: Section 70901.1, Education Code; and 15 USC Sections 7001, et seq.