

Assembly Bill No. 1712

CHAPTER 324

An act to amend Section 8262.1 of the Education Code, relating to child care.

[Approved by Governor September 13, 2016. Filed with
Secretary of State September 13, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, Obernolte. Child care: contractors: digital signatures.

The Child Care and Development Services Act, administered by the State Department of Education, provides that children from infancy to 13 years of age are eligible, with certain requirements, for child care and development services.

The act authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services. The act authorizes these contractors to maintain records electronically.

This bill would authorize the contractors to use a digital signature, as provided, and would require that the use of a digital signature have the same force and effect as a manual signature if specified requirements are met. The bill would require the use of a digital signature to be in compliance with state and federal standards, as determined by the department.

The people of the State of California do enact as follows:

SECTION 1. Section 8262.1 of the Education Code is amended to read:

8262.1. Contractors operating or providing services pursuant to this chapter may do both of the following:

(a) (1) Maintain records electronically, in compliance with state and federal standards, as determined by the department. A conversion from a paper record to an electronic format, as well as the storage of the electronic record, shall comply with the minimum standards described in Section 12168.7 of the Government Code and the standards for trustworthy electronic document or record preservation described in Chapter 15 (commencing with Section 22620.1) of Division 7 of Title 2 of the California Code of Regulations.

(2) Pursuant to Section 33421, the records shall be retained by each contractor for at least five years, or, where an audit has been requested by a state agency, until the date the audit is resolved, whichever is longer.

(3) This subdivision does not require a contractor to create records electronically.

(b) (1) Use a digital signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature.

(2) The use of a digital signature shall have the same force and effect as the use of a manual signature if the requirements for the digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.