



PROPOSED AGENDA ITEM

MEETING DATE: March 28, 2013

SUBJECT: E-Signature Resolution for PDE

SUBMITTED BY: Marcia D. Jones

DESCRIPTION:

The Pennsylvania Department of Education is allowing agreements to be signed electronically instead of being mailed out to be signed and mailed back. In order to qualify to use electronic signature, the attached resolution must be adopted, signed by officer, and returned to the education department.

RECOMMENDATION:

Motion to approve the attached resolution authorizing Dr. Aldo Jackson to affix an electronic signature to any agreement with the Pennsylvania Department of Education on behalf of Erie County Technical School

Marcia Jones

From: ED, Secretary of Ed Res Acct [ra-educationsecretary@pa.gov]
Sent: Thursday, March 21, 2013 8:46 AM
Subject: New Master Agreement and e-Signature Pilot

Importance: High

Office of the Secretary
Pennsylvania Department of Education
March 21, 2013

To: Chief School Administrators
From: Ron Tomalis, Secretary
Pennsylvania Department of Education
Re: New Master Agreement and e-Signature Pilot

Typically, every five years, at this time of year, the Department of Education would be working with your office to enter into new five-year Master Agreements governing the use of state and federal grant money by your LEA. The Master Agreement typically extends over 45 pages and must be mailed out by the department, manually signed by you, and then mailed back to the department. Individual grant programs in the past have been implemented by individual Riders to the Master Agreement applicable to each program. In all, about 75,000 sheets of paper, and thousands of dollars in postage and labor costs are expended to approve the Master Agreements.

As part of the department's ongoing efforts to improve the efficiency of its operations and reduce costs, I am pleased to announce that the department will replace the former Master Agreement and Rider grant process with a set of Standard Grant Terms and Conditions that will be posted on the department's website and will be incorporated by reference in a new form of grant agreement for each individual program agreement signed by an LEA. The incorporation of these terms via the Internet will eliminate copying and postage costs for LEAs and the department formerly associated with the five-year master agreement and will improve the accessibility of the legal terms governing grants.

I am also pleased to announce that the department is piloting electronic signatures (e-signatures) for LEA grant-making as part of planned upgrades to the department's e-grant's system. For the 2013-14 fiscal year the department will be allowing e-signatures for Consolidated Application Agreements of the Division of Federal Programs. In subsequent years, the use of e-signatures will be extended to other grant programs. Those LEA's electing to use e-signatures will no longer be required to manually sign and mail to the department all application and grant documents. Instead, authorized officers will be able to conveniently affix e-signatures and submit e-signed grant agreements to the department for qualifying grant programs via the e-grants system available via the Internet. As stated, these upgrades to the e-grants system and the adoption of e-signatures will greatly improve the timeliness and efficiency of grant-making as well as reduce copying and postage costs for LEAs and the department. Please note that the use of e-signatures is completely voluntary under law and if your LEA elects not to participate, you will still be able to print and manually sign the agreement.

LEAs wishing to use e-signatures must have their governing body (school board, board of directors or board of trustees) adopt resolutions identifying and authorizing an individual to sign electronic agreements with

the department. The form of resolution that must be adopted by your governing body is available at this link:

<http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us;80/portal/server.pt/gateway/PTARG S 0 148494 1325483 0 0 18/E-signature%20Resolution.docx>. Once the resolution is adopted by the governing body, the form of resolution must be signed by the appropriate officers, attested by the governing body's secretary and signed by the authorized officer(s) before being returned to the department.

Completed resolutions should be returned to:
Pennsylvania Department of Education
Division of Federal Programs
333 Market Street, 7th Floor
Harrisburg, PA 17101

I encourage all LEAs to participate in this exciting new program by promptly returning these forms to the department. The deadline for return is Friday, May 31, 2013.

If you have any questions about the replacement of the five-year master agreement or e-signatures, please feel free to contact ra-fintrans@pa.gov.

Penn*Link

RESOLUTION

BE IT RESOLVED, by authority of the **Operating Committee** of the **Erie County Technical School**, and it is hereby resolved by authority of the same, that the **Dr. Aldo Jackson**, who is the **Director** of the above named body is authorized and directed to sign any and all contracts, agreements, grants and/or licenses (hereinafter collectively referred to as contract(s)) with the Pennsylvania Department of Education (Department); and

BE IT FURTHER RESOLVED, that the body consents to the use of electronic signatures by the above named individual and that no handwritten signature from the above named individual shall be required in order for any contract with the Department to be legally enforceable and that by affixing his/her electronic signature to an electronic file of the contract via the Department's e-grants system, the above designated authorized individual shall have effectively executed and delivered the contract, binding the **Operating Committee** to comply with the terms of said contract; and

BE IT FURTHER RESOLVED, that no writing shall be required in order to make the contract valid and legally binding, provided that the Department and all other necessary Commonwealth approvers affix their signatures electronically and an electronically-printed copy of the Contract is e-mailed or is otherwise made available to the body by electronic means; and

BE IT FURTHER RESOLVED, that the body will not to contest the due authorization, execution, delivery, validity or enforceability of the electronic Contract under the provisions of a statute of frauds or any other applicable law. The Contract, if introduced as evidence on paper in any judicial, arbitration, mediation, or administrative proceedings, will be admissible as between the parties to the same extent and under the same conditions as other business records originated and maintained in documentary form and the admissibility thereof shall not be contested under either the business records exception to the hearsay rule or the best evidence rule; and

BE IT FURTHER RESOLVED, that the body will notify the Department's Bureau of Management Services promptly in the event that the above named individual is no longer authorized to execute agreements on behalf of the body electronically and that the Department shall be entitled to rely upon the above named officer's authority to execute agreements electronically on behalf of the body until such notice is received by the Department's Office of Chief Counsel.

ATTEST

Chair

Treasurer

James Bucksbee

John Ogden

Print/type name and title

Print/type name and title

I, Marcia D. Jones, Secretary, of the Erie County Technical School. Do certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Operating Committee, held the 28th day of March 2013.

Dated: _____

Signature

____Marcia D. Jones, Board Secretary_____

Print/type name and title

TO BE EXECUTED BY AUTHORIZED OFFICER:

As the person authorized to sign on behalf of the above named body, I agree that I shall not provide any other person with my e-grants password or otherwise authorize any other individual to affix my electronic signature to any agreement with the Department.

Dated: _____

Signature

____Aldo Jackson, Ph.D-Director_____

Print/type name and title