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AB-271 Child care: alternative payment programs and contractors: electronic records: digital signatures. (2015-2016)

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Assembly Bill No. 271

CHAPTER 476

An act to amend Sections 8227.3 and 8262.1 of, and to add Section 8227.5 to, the Education Code, relating to child care.

[Approved by Governor October 04, 2015. Filed with Secretary of State October 04, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 271, Obernolte. Child care: alternative payment programs and contractors: electronic records: 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 requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law. Existing law authorizes alternative payment programs and providers and other contractors providing child care development services to maintain records in electronic format if the original documents were created in electronic format, including, but not limited to, child immunization records.

This bill would authorize contractors and alternative payment programs and providers to maintain any records electronically, as provided, regardless of whether the original documents were created in electronic format. The bill would authorize alternative payment programs and providers to use a digital signature, as provided, and would require that the use of a digital signature have the same force and effect as the use of a manual signature if specified requirements are met. The bill would require the above provisions relating to the electronic maintenance of records or digital signatures to be in compliance with state and federal standards, as determined by the department. The bill would additionally require any conversion from a paper record to an electronic format, as well as the storage of the electronic record, to comply with specified standards.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8227.3 of the Education Code is amended to read:

8227.3. (a) Alternative payment programs and providers operating or providing services pursuant to this article may maintain records electronically, in compliance with state and federal standards, as determined by the department. Any 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.

(b) 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.

(c) This section does not require an alternative payment program or provider to create records electronically.

SEC. 2. Section 8227.5 is added to the Education Code, to read:

8227.5. Alternative payment programs and providers operating or providing services pursuant to this article may 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. The use of a digital signature shall have the same force and effect as the use of a manual signature if the requirements for 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.

SEC. 3. Section 8262.1 of the Education Code is amended to read:

8262.1. (a) Contractors operating or providing services pursuant to this chapter may maintain records electronically, in compliance with state and federal standards, as determined by the department. Any 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.

(b) 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.

(c) This section does not require a contractor to create records electronically.