

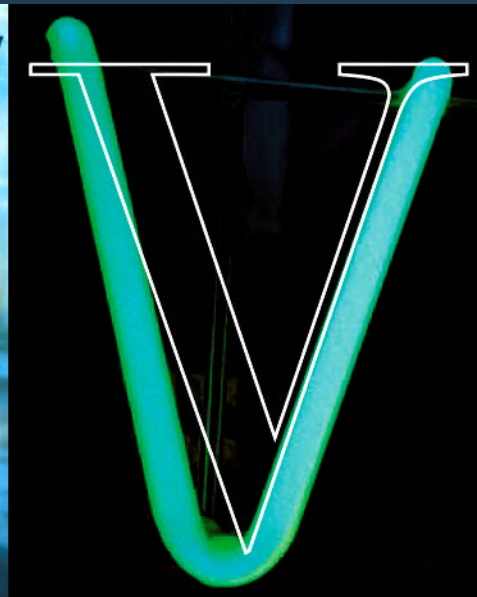
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# E-commerce: Unique Challenges for Independent Schools

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## E-commerce and e-contracting

- Benefits of e-commerce and electronic contracts
  - Tracking, convenience, sustainability
  
- Legal Compliance
  - State, federal, and common law
  
- Goal and Objective
  - Enforceability of contract
  - Collection of tuition
  - Control of student body



## Drafting of E-contracting policy

- Creation of Policy that outlines the process
  
- When enforcing the agreement the school
  - Can submit to the court
  - Confirms the enrollment document processing
  - Serves as proof to the court that the document is:
    - A valid agreement
    - Executed by the parent or guardian
    - Not modified by the school

## General Considerations

- Does the school utilize an internal processing system or use a third party?
  - Review of process with 3<sup>rd</sup> party
  - Obtain clear understanding with 3<sup>rd</sup> party as to obligations of school and that of 3<sup>rd</sup> party
- Does the school provide choices in the body of the agreement? (i.e. number of payments)
- Can the executing party move to the next part of the agreement if they haven't made a selection?

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# Elements of Policy and Process

- Identity confirmation
  - How does the party executing the agreement access the web site?
- Consent to electronic contract
  - Does the contract include language confirming the parent's/guardian's consent to entering into an electronic contract?
- Parent/guardian's ability to review, modify and obtain a print out of the final document submitted
  - Obtain a draft of the agreement prior to submitting the form
  - Ability to modify the draft form
  - Ability to print out the final document after execution



## Elements of Policy and Process

- Position of signature on document
  - All information should be above the execution line
  - As example; if school requires payment to confirm admissions (deposit); execution facts documents
- Confirmation of school's receipt and acceptance of form
  - Serves as “signature” of school
  - School's email response confirming receipt and acceptance
  - Maintenance of the email by the school
  - Proof that the agreement has been timely submitted (or untimely)
- School's inability to modify agreement
  - Want to confirm the school's inability to modify agreement

## contact information

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