

E-commerce and electronic contracts

- 1) Benefits of e-commerce and electronic contracts
 - a) Tracking, convenience, sustainability
- 2) Legal Compliance
 - a) State, federal, and common law
- 3) Objective
 - a) Enforceability
- 4) Creation of Policy that outlines the process
 - a) When enforcing the agreement the school can submit to the court the policy. Confirms the enrollment document processing which serves as proof to the court that the document is a valid agreement executed by the parent or guardian.
- 5) General Considerations
 - a) Does the school process the system internally or use a third party?
 - b) Does the school provide choices in the body of the agreement? (i.e. number of payments)
 - c) Can the executing party move to the next part of the agreement of question not answered?
- 6) Elements
 - a) Identity confirmation
 - i) How does the party executing the agreement access the web site?
 - b) Consent to electronic contract
 - i) Does the contract include language confirming the parent's/guardian's consent to entering into an electronic contract?
 - c) Ability to review, modify and obtain a print out of the final document submitted
 - i) Obtain a draft of the agreement prior to submitting the form
 - ii) Ability to modify the draft form
 - iii) Ability to print out the final document after execution
 - d) Position of signature on document
 - i) All information should be above the execution line
 - ii) As example; if school requires payment to confirm admissions (deposit); execution facts documents
 - e) Confirmation of school's receipt and acceptance of form
 - i) Serves as "signature" of school
 - ii) School's email response confirming receipt and acceptance
 - iii) Maintenance of the email by the school
 - iv) Proof that the agreement has been timely submitted (or untimely)
 - f) School's inability to modify agreement
 - i) Want to confirm the school's inability to modify agreement