

**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