

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3515.21(a)

UNMANNED AIRCRAFT SYSTEMS (DRONES)

Note: The following **optional** policy may be revised to reflect district practice.

The Governing Board recognizes that unmanned aircraft or aerial systems (drones) may be a useful tool to enhance the instructional program and assist with district operations. In order to avoid disruption and maintain the safety, security, and privacy of students, staff, and visitors, any person or entity desiring to use a drone on or over district property shall submit a written request for permission to the Superintendent or designee.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142 - Safety)

Note: Guidance from the Federal Aviation Administration (FAA), Educational Use of Unmanned Aircraft Systems (UAS), clarifies that FAA rules are not applicable to model aircraft flown for hobby or recreational use for which the operator is not compensated.

A small *unmanned aircraft system* or drone is an aircraft weighing less than 55 pounds that is operated remotely without the possibility of direct human intervention from within or on the aircraft and the associated elements, including communication links and controls, required for the pilot to operate the aircraft safely and efficiently. It does not include model aircraft or rockets such as those which are radio controlled and used only for hobby or recreational purposes. (49 USC 40101 Note; 14 CFR 107.3)

The Superintendent or designee may grant permission to district employees and students for the use of drones only if the planned activity supports instructional, co-curricular, extracurricular, athletic, or operational purposes. Such uses may include, but are not limited to, instruction in science, technology, engineering, and math (STEM), the arts, or other subjects; maintenance of grounds and facilities; and campus security. When used for instructional purposes, there shall be a clear and articulable connection between drone technology and the course curriculum. Students shall only operate a drone on or over district property under the supervision of a district employee as part of an authorized activity.

Note: The following **optional** paragraph is for use by districts that choose to authorize persons or entities other than district staff and students to operate drones on or over district property.

The Superintendent or designee may grant permission to other persons or entities under terms and conditions to be specified in a memorandum of understanding.

Note: The district may develop a form for use by any person requesting permission to operate a drone on or over district property. The request form should, when applicable, include verification that the operator has the requisite FAA certification as well as the information specified in the following paragraph.

UNMANNED AIRCRAFT SYSTEMS (DRONES) (continued)

According to FAA guidance, Educational Use of Unmanned Aircraft Systems (UAS), student use of drones as a component of a course most closely reflects a "hobby or recreational use" and thus, while still subject to rules related to safe operation, students are not required to obtain FAA authorization. However, because a teacher receives compensation, his/her use is not "hobby or recreational" and thus he/she is required to obtain the appropriate Certificate of Waiver or Authorization or an exemption from the FAA. For requirements pertaining to certification, see 14 CFR 107.53-107.79 and the FAA's web site.

Any person or entity requesting to operate a drone on or over district property, including a district employee, shall provide a description of the type of operation requested, flight location, date and time of the planned flight, anticipated duration, and whether photos and/or video will be taken. As applicable, the applicant shall also present a copy of his/her Certificate of Waiver or Authorization or exemption issued by the Federal Aviation Administration.

Any person or entity, other than a district employee or student, who is requesting or operating a drone on or over district property shall agree to hold the district harmless from any claims of harm to individuals or property resulting from the operation of the drone and provide proof of adequate liability insurance covering such use.

(cf. 3530 - Risk Management/Insurance)

In determining whether to grant permission for the requested use of a drone, the Superintendent or designee shall consider the intended purpose of the activity and its potential impact on safety, security, and privacy. The decision of the Superintendent or designee shall be final.

Note: It is recommended that the district develop a form specifying the terms and conditions of the approved use of drones on or over district property, and require any person granted authorization to sign the form. The signed form, along with a copy of any required Certificate of Waiver or Authorization or exemption issued by the FAA, should be maintained by the district.

Any person authorized to use a drone on district property shall sign an acknowledgment that he/she understands and will comply with the terms and conditions of the district's policy, federal law and regulations, state law, and any local ordinances related to the use of drones.

Note: Remote drone pilots are subject to the safety precautions and other conditions specified in 14 CFR 107.15-107.51. Districts should also consult local ordinances as well as any joint use agreements with municipalities in order to ensure consistency and compliance. The following list may be revised to reflect any additional district or community rules.

When any use of drones is authorized, the Superintendent or designee shall notify the drone operator of the following conditions:

UNMANNED AIRCRAFT SYSTEMS (DRONES) (continued)

1. The operator is responsible for complying with applicable federal, state, and/or local laws and regulations, including federal safety regulations pursuant to 14 CFR 107.15-107.51 which include, but are not limited to, requirements that the drone not be flown at night, above 400 feet in altitude, or over any people unless they are in a covered structure or stationary vehicle. The operator shall maintain the visual line of sight with the drone at all times.
2. The drone shall be kept away from any area reasonably considered private, including, but not limited to, restrooms, locker rooms, and individual homes.
3. The district reserves the right to rescind the authorization for use of drones at any time.

The Superintendent or designee may remove any person engaged in unauthorized drone use on district property and/or may confiscate the drone. He/she may also shut down the operation of any authorized drone use whenever the operator fails to comply with the terms of the authorization or the use interferes with district activity, creates electronic interference, or poses unacceptable risks to individuals or property.

(cf. 3515.2 - Disruptions)

Any student or staff member violating this policy shall be subject to disciplinary action in accordance with district policies and procedures.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process))

Legal Reference (see next page)

UNMANNED AIRCRAFT SYSTEMS (DRONES) (continued)

Legal Reference:

UNITED STATES CODE, TITLE 49

40101 Note Unmanned aircraft systems

CODE OF FEDERAL REGULATIONS, TITLE 14

107.1-107.205 Small unmanned aircraft systems, especially:

107.12 Requirement for a remote pilot certificate with a small UAS rating

107.15-107.51 Operating rules; safety

107.53-107.79 Remote pilot certification

Management Resources:

FEDERAL AVIATION ADMINISTRATION PUBLICATIONS

Educational Use of Unmanned Aircraft Systems (UAS), Memorandum, May 4, 2016

WEB SITES

Federal Aviation Administration: <https://www.faa.gov/uas>

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