

MODESTO CITY SCHOOLS

Administrative Regulation

AR 3515.21

BUSINESS AND OTHER

Unmanned Aircraft Systems (Drones)

Any District employee or student wishing to operate an Unmanned Aircraft Systems (“UAS”) as part of their job duties or as part of a District program must adhere to FFA guidelines and determine the type of drone operator appropriate for the intended use.

Submitting Operating Plan

1. The operation of any UAS equipment on and over lands owned and operated by the District shall follow all state and federal regulations and requires a prior filing of an operating plan with the Risk Management Office.
2. Operating plans shall include:
 - a. Equipment to be used (include information about the UAS control systems, communication systems, etc.)
 - b. Date and approximate time to be used
 - c. Location(s) to be used
 - d. Purpose(s) of the operation
 - e. Specific need for use of UAS equipment
 - f. The identity and day-of-flight contact information of pilot(s) or other remote Operator(s)
 - g. Prior experience of Operator(s)
 - h. All forms of data (including imagery) to be collected
 - i. Intended use of data
 - j. Current status of any required licenses or permissions
 - k. Provisions for security of the equipment, both during and outside of operation, and any sensitive data collected
3. The Associate Superintendent of Business Services will review the plan and make a recommendation of approval, noting any limitations.
 - a. Local law enforcement use of UAS technology in execution of a search warrant or as part of a tactical response to an immediate threat is automatically authorized, subject to applicable law and

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- government regulations.
- b. Operators will check in with the site administrator before use on campus and will notify said administrator upon leaving campus.
4. For approval of an operating plan:
- Plan must be submitted at least five (5) business days prior to operations on campus.
 - The plan must include all required information in its content.
 - The envisioned operation must comply with applicable laws, government regulations, and other District policies.
 - The envisioned operation must not pose an unacceptable threat to health, safety, privacy, or the environment, either in an absolute sense or compared to other methods of obtaining the desired information.
 - The envisioned operation must be judged by District administrators to be in the best interest of the public and the District.
5. The Risk Management Office will notify Operators of approval to operate on campus. This must be received before the UAS is brought onto campus.

The District holds the right to immediately shut down the operation of a UAS if it creates any type of electronic interference, poses a hazard to sensitive campus equipment, or interferes with any District activity.

Requirements Prior to Operation

- Any person who owns or operates a UAS that weighs more than 0.55 bls. And less than 55 lbs. must register with the FAA's UAS registry.
 - Individuals who do not register could face civil and criminal penalties and could be subject to a fine of \$27,500.
 - Owner must be at least 13 years of age and a United States citizen or legal permanent resident in order to register.
- Any person flying a UAS would be considered an "Operator," which requires some conditions to be met prior to flying a UAS:
 - Operator must be at least 17 years old
 - Operator must take an aeronautical knowledge test and obtain an FFA UAS operator certificate
 - Operator will need to obtain an FFA UAS operator certificate every 24 months.
- Any person flying a UAS within 5 miles of an airport or other airspace (heliport) must obtain permission from the airport or control tower prior

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to flying UAS within this 5 miles radius.

4. UAS' used for commercial purposes must have a Special Airworthiness Certificate (SAC). Any Contractor hired to film with a UAS must present this certificate to District prior to start of any work.

Prior to commencing flight operations, the UAS operator must have in possession the appropriate procedures and any documentation to ensure safe, legal, and appropriate operation.

Requirements During Operation

During flight operations, Operators must have in their possession documentation that includes but may not be limited to the following:

1. Remote Pilot Certificate from the FFA
2. Current operations log of all flights
3. Proof of access to public or private property associated with flight operations.

The following restrictions apply to the time, place, and manner private model aircraft or UAS devices are operated:

- Only with persons with appropriate certification and approval may fly the UAS.
- Unmanned aerial vehicle ("UAV") may only be flown during daylight hours.
- Operator must be within visual line of sight of UAV and in control at all times.
- UAV may not be flown over outdoor athletic facilities or stadiums when people are present.
- UAV may not be flown over people
- UAV may not be flown within 100 feet of buildings.
- UAV may not be flown within 150 feet of persons or animals.
- UAV may not be flown in adverse weather conditions such as in high winds or reduced visibility.
- Maximum altitude of 400 feet. Institutional airspace includes that portion of the air space between the surface of the ground and 300 feet above the ground or above a building or structure erected on the property.
- UAV must stay well away from manned aircraft, especially low-flying helicopters.
- UAV may not be flown in a manner which interferes with ground vehicles or traffic.
- UAV may not be flown inside buildings.
- UAV may not be used to monitor or record sensitive institutional or

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personal information which may be found, for example, on an individual's workspaces, on computer, or other electronic displays.

- UAV may not be flown over Early Childhood Education center facilities.
- Do not conduct surveillance or photograph persons in areas where there is an expectation of privacy without the individual's permission.
- UAV may not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include but are not limited to restrooms, locker rooms, changing or dressing rooms, and health treatment rooms.

Violations of any restrictions listed in the policy may result in revocation of District flight approval and future use.

Maintenance and Storage

The department which purchased the UAS is responsible for maintenance and storage of all UAS equipment. When not in use, the UAS must be secured in a locked area.

Damage or Injury

In the event of damage or injury arising from use of the UAS, the Operator shall notify the Risk Management Office to report the incident and the incident must be documented in an incident report.

Off-Campus Use

District-owned UAS may not be removed from the campus (except for maintenance) or used off campus without express written approval of the Associate Superintendent of Business Services.

Legal References:

CODE OF FEDERAL REGULATIONS, TITLE 14

107-1-107.205 Small unmanned aircraft systems

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

UNITED STATES CODE, TITLE 49

40101 Note Unmanned aircraft systems

Management Resources:

FEDERAL AVIATION ADMINISTRATION PUBLICATION

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

WEBSITES

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

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Cross References (cf.):

1330 – Use of School Facilities

1330.1 – Joint Use Agreements (N/A)

3515.2 – Disruptions (N/A)

3515.2 – Criminal Record Check Contract Employees

3530 – Risk Management/Insurance

4118/4218 – Dismissal/Suspension/Disciplinary Action

5142 – Safety (N/A)

5144 – Discipline (N/A)

5144 – Subpoena Power, Expulsion Hearings

5144.1 – Suspension and Expulsion/Due Process

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