

LODI UNIFIED SCHOOL DISTRICT

Rule 3515.21

Business and Noninstructional Operations

Unmanned Aircraft Systems (Drones)

Airspace above United States' land is regulated by the Federal Aviation Administration ("FAA"). Drones can be operated legally only under one of two FAA regulatory categories – (1) Hobby or Recreation Use, or (2) Commercial Use. Any District employee or student wishing to operate an Unmanned Aircraft System ("UAS") as part of their job duties or as part of a District program must determine which regulations apply under the appropriate option.

If you operate a drone for District purposes in an illegal manner, the District's insurance may not be able to cover you or defend you should a liability claim or lawsuit be filed against you, and you may be personally subject to significant government fines. Thus, the importance of knowing which regulatory option you are operating under and understanding (and following) all regulations of that option.

Any District employee, student, or unit purchasing a UAS (or the parts to assemble a UAS) with District funds or funds being disbursed through a District account, or grant funds, must contact the District's Business Services Department in order to assess the District's ability to adhere to FAA guidelines, other necessary FAA exemptions, or meet local compliance requirements.

Option One:

Flying for Hobby or Recreation Use Only

This option is described under FAA Special Rule for Model Aircraft (Section 336).

- Student use of a registered drone as a verifiable component of science, technology, aviation, or television/film production coursework
- The operator, whether student or not, is NOT compensated, either directly or indirectly, for the operation of the drone
- If hobby/recreational only use, the drone is operated in accordance with a community-based set of safety guidelines and within the programming guidelines of a nationwide community-based organization
- A teacher's use of a drone may ONLY be incidental to a student's coursework use. Such use may include, for example, regaining control of the UAS following

a student's loss of control. Teacher use cannot include any full flight demonstration, nor off-site practice flights using a District-owned UAS, since a teacher's use must remain secondary and incidental to the student's operation of the UAS at the time in order to maintain Hobby/Recreational status.

Option Two:

Requirements: Hobbyist/Recreational User

- The UAS (AKA "model aircraft" for Hobbyist/Recreational use) must be registered with the FAA if it weighs over 0.55 pounds (8.8 ounces).
- An application for a District "Permit for Use of Unmanned Aerial System" ("Permit") must be submitted to, and approved by, the District's Business Services Department prior to the use of any drone over District property (or use anywhere of a District-owned UAS).

Option Two:

Flying for Commercial Use

This option is described under the FAA's Small UAS Rule (Part 107).

- Anyone receiving any sort of compensation for the use of the drone (with the narrow exception being as noted in Option One above for a teacher's de minimis use). For example, a Facilities Department employee using a drone to survey a new construction site is considered a commercial user, as they are being paid a salary as part of their job to operate the drone.
- Any visitor, vendor, or contractor flying over District property who is being compensated in any way, by anyone, to operate the drone.

Option Two:

Requirements: Commercial Users

- The UAS must be registered with the FAA if it weighs over 0.55 pounds (8.8 ounces).
- An application for a Permit ("Application") must be submitted to, and approved by, the District's Business Services Department prior to the use of any drone over District property (or use anywhere of a District-owned UAS).
- All commercial users must maintain a Remote Pilot Airman or Remote Pilot in Command Certification, and pertinent FAA certificates of authorization or waivers.
- Vendor/Contractor commercial use of a UAS over District property is allowable if contracted by the District for a specific business use, a vendor agreement/contract and appropriate insurance certificate is on file with the District's Business Services Department, and an approved Permit is on file.

- A signed **Unmanned Aerial System (Drone) Use Indemnification Agreement** must be on file with the District.

Permit for Use of Unmanned Aerial System

Any hobbyist or commercial user third party wishing to use a UAS or model aircraft over District property must first receive a Permit through the District's Business Services Department by filing a completed Application at least ten (10) business days before the intended flight. Non-District third party commercial users planning to use a UAS must also provide proof of FAA approval, along with proof of insurance with a limit of no less than \$2 million per occurrence, \$3 million overall CGL and add the District as additional insured. The third-party commercial user must also sign the District's form of "Unmanned Aerial System (Drone) Use Indemnification Agreement" holding the District harmless from any resulting claims, harm to individuals, or damage to property. A form of the Agreement is attached to these Policies as Exhibit "A".

Application Requirements

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 Permit.
2. A form of the Application is attached to these Policies as Exhibit "B".
3. The Chief Business Officer will review the Application and make a recommendation of approval, noting any limitations.
 - a) For approval of an Application:
 - The Application must be submitted at least ten (10) business days prior to operations on campus.
 - The Application 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 to be in the best interest of the public and the District.
4. 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 government regulations.

5. Authorized operators with a valid Permit will check in with the Business Services Department designated representative (“District Representative”) before use on campus and will notify the District Representative upon leaving campus.
6. 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 During Operation

1. Flying for Hobby or Recreation Use Only

Authorized operators in this category must comply with all FAA requirements found at: https://www.faa.gov/uas/recreational_fliers/

2. Commercial Users

Authorized operators in this category must comply with all FAA requirements found at: https://www.faa.gov/uas/commercial_operators/

Maintenance and Storage

The District 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.

Rule

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