

OSBA Model Sample Policy

Code: ECACB
Adopted: 10.22.18

Unmanned Aircraft System (UAS) a.k.a. Drone

Any employee, volunteer, or representative of the district operating an district-unmanned aircraft system shall do so in accordance with this policy and all applicable Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) regulations.

An “unmanned aircraft system” (UAS) means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.

The district recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics and airplane design and construction, which can also serve as an academic tool in other areas such as television, film production or the arts in general. Therefore, in compliance with the Federal Aviation Administration Modernization and Reform Act of 2012, Section 336, students may operate a UAS as part of a course requirement, as long as that student does not receive compensation directly or incidentally from such operation. District staff teaching a class that allows use of a UAS may assist provide limited assistance to a student in their operation of the operating a UAS, provided the assistance is needed as part of the curriculum and assistance is to a student enrolled in the course student maintains operational control of the model aircraft such that the staff member's manipulation of the model aircraft's controls is incidental and secondary to the student's. The staff member's de minimis participation must be limited to the student's operation of the UAS as part of the course.

District employees shall work with administrators to ensure that proper insurance, registration with both FAA and ODA, reporting to ODA, and authorization are in place prior to adoption of curriculum that allows operation of a UAS as part of the curriculum.

A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)¹ at OSAA sanctioned events. Use of a UAS at other district-sponsored athletics or activities is prohibited.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the district as part of a UAS operation will belong to the district. The data gathering by the district will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The superintendent shall develop procedures for the implementation of this policy.

¹ <http://www.osaa.org/governance/handbooks/osaa #8587>

The district shall post a copy of this policy, associated procedures and a copy of Oregon Revised Statute (ORS) 192.345 on the district's website.

~~3~~ Third Party Use

Third party use of a UAS on district property or at district-sponsored events for any purpose is prohibited, unless granted permission from the superintendent or designee.

If permission is granted by the superintendent or designee, the third party operating a UAS will comply with all FAA and ODA regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. Appropriate registration and authorization issued by the FAA and the Oregon Department of Aviation ODA when required; and
3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

END OF POLICY

Legal Reference(s):

ORS 164.885
ORS 174.109
ORS 192.345

ORS 837.300 - 837.390
ORS 837.995

OAR 738-080-0015 - 0045

Federal Aviation Administration Modernization and Reform Act of 2012, P.L. 112-95 § 336 (2012).

Federal Aviation Administration, Educational Use of Unmanned Aircraft Systems (UAS) Memorandum, May 4, 2016.

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK #8587.