

UNMANNED AIRCRAFT SYSTEMS (UAS/DRONES)

The use of unmanned aircraft systems (UAS/drones) for any purpose is prohibited without the written permission of the Murrieta Valley Unified School District. Use of UAS may be permitted, provided the following conditions and requirements are satisfied, at the sole discretion of the district's Director of Risk Management:

1. UAS operation requires Certificate of Authorization (COA), or a Section 333 Exemption as issued by the FAA and/or full registration and compliance with the most current FAA regulations in effect at the date of permit issuance as required by law.
2. If a person wishes to operate a drone in or over district property, UAS operation requires written consent from and issuance of a permit by the district's Director of Risk Management at least 5 days in advance of said operation.
3. UAS operation on or over district property requires a minimum operator age of 18 (this may be modified for supervised student usage if noted in the permit to operate) and a maximum UAS weight of 55 pounds.
4. UAS operation on or over district property is limited to UASs which are incapable of flying over 400 feet (this may be modified for longer ranges if noted in the permit to operate) and to operation during daylight hours.
5. A signed permit to operate holding the district harmless from any claims of harm to individuals including, but not limited to, the operator and third parties, or damage to property including, but not limited to, the UAS or other property of the operator and the property of others. In addition, UAS operators must provide proof of liability insurance covering the UAS's flight and operations with limits of not less than one million (1,000,000) dollars that names the district as a designated additional insured as a condition of the permit.
6. UAS operators must maintain line of sight at all times during operation and are prohibited from flying UASs over playing surfaces, seating, spectator areas or any other area where and when people are present, as well as parking areas where and when people or vehicles are present.
7. The UAS flight may not come within 25 feet of any person.
8. UAS controllers and their employers are responsible for ensuring operators are trained in the use of the specific drone that they operate. UAS operators must be aware of the risks that include, but are not limited to, personal injury and property damage caused by the UAS as a result of weather, operator error or judgment and failure of device systems and equipment.

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9. Image or audio capturing capabilities on the UAS are prohibited unless specific permission for specific purposes is authorized in the permit to operate. Any unauthorized use of any transmission, internet stream, photographic image, film, video, audio, play-by-play depiction or description of any competition and/or game action is prohibited and may be a violation of Civil Code Section 1708.8. With written permission of the district as part of the permit, real-time or tape-delayed audio, video or textual transmission of play-by-play is allowable, but it remains the exclusive property of the district. Any account/transmission of real-time video, audio or textual play-by-play is prohibited on-site without the written permission of the district. When recording or transmitting permitted visual images, UAS controllers must avoid areas considered private in accordance with social norms such that an invasion of privacy would be considered offensive to a reasonable person and Civil Code Section 17808.8. These areas include, but are not limited to, restrooms, locker rooms, individual residences and health treatment rooms.

The Director of Risk Management shall refuse admission to any individual or group attempting or intending to use a UAS without authorization. The director of risk management may suspend play of athletic or other competitions, if necessary, to remove and confiscate any authorized or unauthorized use of a UAS in prohibited areas.

Compliance with this policy is mandatory for district students, employees and visitors. Appropriate disciplinary action for any violation of this policy by such a person shall be undertaken in accordance with the district's normal disciplinary processes. In addition, failure to follow this policy may result in local, state and federal penalties as applicable.

UAS Requirement Checklist:

- FAA approval with Certificate of Authorization or necessary Section 333 Exemption and/or registration.
- FAA approval with special airworthiness certificate (FAA Form 8130-7) and/or registration.
- District administrator approval and issuance of permit to operate.
- Statement that the operators are trained in the use of the UAS.

UNMANNED AIRCRAFT SYSTEMS (UAS/DRONES) (continued)**Procedures for Use of UAS (Drones) on District Property**

A drone is an aircraft. Airspace above United States' land is regulated by the Federal Aviation Administration (FAA). 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 FAA guidelines and determine the type of drone operator appropriate for the intended use.

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

Any third party or hobbyist wishing to use a UAS or model aircraft over district property must first receive approval through Risk Management by filing a completed Operating Plan at least ten (10) business days before the intended flight. Third parties planning to use a UAS must also provide proof of FAA approval, along with proof of insurance with a limit of no less than one million (1,000,000) dollars and add the district as additional insured. The third party must also sign an agreement holding the district harmless from any resulting claims, harm to individuals or damage to property.

Submitting Operating Plans

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 Department.

Operating plans shall include:

1. Equipment to be used, (include information about the UAS control systems, communication systems, etc.).
2. Date and approximate time to be used.
3. Location(s) to be used.
4. Purpose(s) of the operation.
5. Specific need for use of UAS equipment.
6. The identity and day-of-flight contact information of pilot(s) or other remote operator(s).

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7. Prior experience of operator(s).
8. All forms of data (including imagery) to be collected.
9. Intended use of data.
10. Current status of any required licenses or permissions.
11. Provisions for security of the equipment, both during and outside of operation, and of any sensitive data collected.

The Director of Risk Management or designee will review the plan and make a recommendation of approval, noting any limitations.

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.

UAS operators seeking to fly the UAS/Drone while school is in session, shall sign in at the front office before use on campus and sign out upon leaving.

For approval of an operating plan:

1. Plan must be submitted at least five (5) business days prior to operations on campus.
2. The plan must include all required information in its content.
3. The envisioned operation must comply with applicable laws, government regulations and other district policies.
4. 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.
5. The envisioned operation must be judged by district administrators to be in the best interest of the public and the district.
6. The Director of Risk Management will notify operators of approval to operate on campus. This must be received before the UAS is brought onto campus.

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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

1. If any parts of this policy are held to be contrary to FAA regulations, the current most recent FAA regulations will prevail.
2. Any person who owns or operates a UAS that weighs more than 0.55 lbs. and less than 55 lbs. must register with the FAA's UAS registry.
 - a. Individuals who do not register could face civil and criminal penalties and could be subject to a fine of twenty-seven thousand, five hundred (27,500) dollars.
3. Owner must be at least 13 years of age and a United States citizen or legal permanent resident in order to register.
4. Any person flying a UAS would be considered an "operator," which requires some conditions to be met prior to flying a UAS:
 - a. Operator must be at least 17 years old.
 - b. Operator must take an aeronautical knowledge test and obtain and FAA UAS operator certificate.
 - c. 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.
 - d. Operator will need to obtain an FAA UAS operator certificate every 24 months.
5. 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 to flying UAS within this 5-mile radius.
6. 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 the district prior to the start of any work.

UNMANNED AIRCRAFT SYSTEMS (UAS/DRONES) (continued)

7. 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 FAA.
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:

1. Only persons with appropriate certification and approval may fly the UAS.
2. Unmanned aircraft system (UAS) may only be flown during daylight hours with the following exception:

All night operations will require the aircraft to be equipped with functioning anti-collision lighting visible for at least 3 statute miles. Additionally, the light must have a flash rate sufficient enough to provide collision avoidance and be mounted on the top side of the aircraft so as to be seen from above when in flight.

3. Operator must be within visual line of sight of UAS and in control at all times.
4. UAS may not be flown over outdoor athletic facilities or stadiums when people are present.
5. UAS may not be flown over people.
6. UAS may not be flown within 100 feet of buildings.
7. UAS may not be flown within 150 feet of persons or animals.
8. UAS may not be flown in adverse weather conditions such as in high winds or reduced visibility.

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9. 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.
10. UAS may not be flown over Early Childhood Education Center facilities.
11. May not conduct surveillance or photograph persons in areas where there is an expectation of privacy without the individual's permission.
12. UAS 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. Any recording must be in accordance with applicable law.

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 campus safety 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 campus (except for maintenance) or used off-campus without express written approval of the SSA, and Director of Risk Management or Designee.

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In order to be considered for a permit involving a UAS, the following documentation and terms are required:

1. For standard permits, proof that the UAS operator complies with Part 107 or Section 336 rules. For special permits, *if operator complies with under 49 USC §40102(a)(41), Experimental Aircraft, Type Certificated Aircraft or Section 333*, obtain FAA documentation and require limits of five million (5,000,000) dollars under
 - Standard permit
 - Special permit

A copy of the operator's written Plan of Activities (POA).

- On file
2. Proof of insurance coverage as follows:

Evidence of coverage for the use of Unmanned Aerial Systems (UAS) must be provided by the UAS operator. UAS operating entity must submit proof of Unmanned Aerial Systems (UAS) insurance with a limit of at least one million (1,000,000) dollars. The certificate of insurance must include a separate policy endorsement showing proof of UAS coverage. An endorsement must be submitted naming the district, its trustees, officers, agents and employees as Additional Insureds.

- On file

Important notes

1. Other government agencies may have additional requirements regarding the use of a UAS in their jurisdictions. Please check with all relevant agencies or with the district before submitting your permit application.
2. UAS operators must have all pertinent documentation on set with them at all times. This includes their Certificate of Authorization (COA), Plan of Activities (POA), pilot certificate and third-class medical certificate.
3. The use of a UAS is permitted only when all qualifications have been met, all necessary approvals have been obtained and use of a UAS is noted on the permit. If someone is found to be operating a UAS without the proper permit, any district representative may immediately suspend the UAS activities.

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4. The FAA does not regulate the use of UAS indoors (their jurisdiction covers U.S. airspace, not under the roofs of private structures). Be advised that approval for the use of UAS in a stage or building fall under the authority of the district permitting process. Also note that whether it's exterior or interior filming, the district will not approve permits when UAS are involved, unless they are flown by FAA-exempted operators.
5. If any new regulations for the commercial use of small UAS are passed by the FAA, they would supersede current guidelines.

The following are of the most pertinent TERMS & CONDITIONS required of (FAA-exempted) UAS operators.

1. The UAS must weigh less than 55 pounds, including energy source(s) and equipment.
2. The UAS may not be flown at a speed exceeding a ground speed of 50 knots.
3. Flights must be operated at an altitude of no more than 400 feet above ground level (AGL).
4. The UAS must be operated within visual line of sight (VLOS) of the pilot in command at all times.
5. All operations must utilize a visual observer (VO).
6. The pilot must possess at least a private pilot certificate and at least a current third-class medical certificate.
7. The UAS may not be operated directly over any person, except authorized and consenting production personnel, below an altitude that is hazardous to persons or property on the surface in the event of a UAS failure or emergency.
8. The UAS may not be operated inside an enclosed facility (e.g., a classroom or gymnasium).
9. Regarding the distance from participating persons, the operator's manual has safety mitigations for authorized and consenting production personnel. At all times, those persons must be essential to the closed-set film operations.

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10. Regarding distance from non-participating persons, the operator must ensure that no persons are allowed within 500 feet of the area except those consenting to be involved and necessary for the filming production. This provision may be reduced to no less than 200 feet if it would not adversely affect safety and the FAA Administrator has approved it. For example, an equivalent level of safety may be determined by an aviation safety inspector's evaluation of the filming production area to note terrain features, obstructions, buildings, safety barriers, etc. Such barriers may protect non-participating persons (observers, the public, news media, etc.) from debris in the event of an accident.
11. At least five days before the scheduled flight, the operator of the UAS affected by this exemption must submit a written Plan of Activities (POA) to the district. The 5-day notification may be waived with the concurrence of the district. The POA must include at least the following:
 - a. Dates and times for all flights.
 - b. Name and phone number of the person responsible for the operation of the UAS.
 - c. Make, model and serial or N-number of UAS to be used.
 - d. Name and certificate number of UAS pilots involved in the event.
 - e. A statement that the operator has obtained permission from instructors, property owners and/or local officials to conduct the event. The list of those who gave permission must be made available to the district upon request.
 - f. A description of the flight activity, including maps or diagrams of any area, city, town, county and/or state over which flying will be conducted and the altitudes essential to accomplish the operation.
12. The UAS cannot be operated by the pilot from any moving device or vehicle.
13. The UAS may not operate in Class B, C or D airspace without written approval from the FAA.
14. The UAS may not operate within 5 nautical miles of the geographic center of a non-towered airport as denoted on a current FAA-published aeronautical chart unless a letter of agreement with that airport's management is obtained, and the operation is conducted in accordance with a Notice to Airman as required by the operator's Certificate of Authorization. The letter of agreement with the airport management must be made available to the district upon request.

UNMANNED AIRCRAFT SYSTEMS (UAS/DRONES) (continued)

15. The documents required must be available to the pilot at the ground control station of the UAS any time the aircraft is operating. These documents must be made available to the any district representative upon request.

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Permit

Except as provided by the terms of this permit which has been specifically authorized by the district, no person shall conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct drone use in, on or upon any district public property or public right-of-way which is owned or controlled by the district without first having obtained a written permit from the district.

The Risk Management Office is authorized to issue permits for drone use pursuant to the procedures established by the district. The Risk Management Office may condition any permit issued with reasonable requirements concerning the time, place or manner of drone use as is necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue.

Conditions may include, but are not limited to, the following:

1. The establishment of an assembly or disbanding area.
2. The accommodation of pedestrian and vehicular traffic.
3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access.
4. The inspection and approval by district personnel of equipment to be used or operated as part of the permit to conform to the requirements of all applicable codes.

Indemnification

To the fullest extent allowed by law, Permittee shall defend, indemnify and hold harmless ("Indemnification") the district, its trustees, officials, directors, officers, employees, volunteers and agents from and against any and all liabilities, losses, expenses, claims, actions, demands, or judgments (including attorney fees) recovered or made against district for any damage, injury or death to persons or damage to property arising from the negligent or intentional acts or omissions of permittee, its officers, employees, agents or subcontractors (of all tiers) related to permittee's acts or omissions under this permit.

— Agreed

UNMANNED AIRCRAFT SYSTEMS (UAS/DRONES) (continued)

Permittee's indemnification extends to conditions created by this permit or based upon violation of any statute, ordinance or regulation. This provision is in addition to any common law or statutory liability and indemnification rights available to district. Permittee's indemnification of district shall not apply to damage, injury or death caused by the sole negligence or willful misconduct of the district, its officers, directors, employees, volunteers or agents. District will promptly notify permittee in writing of any such claim or demand to indemnify and shall cooperate with permittee in a reasonable manner to defend such claim.

— Agreed

Permittee shall defend, indemnify and hold harmless the district, its officers, directors, agents, volunteers and employees from and against all claims, liabilities, losses, expenses, actions or judgments (including attorneys' fees) that the work product or that the district's use of the work product infringe or misappropriate the intellectual property rights of any third party. This provision requires, among other things, that permittee defend the district in any such action. Permittee's indemnification of district shall not apply to damage, injury or death caused by the sole negligence or willful misconduct of the district, its officers, directors, employees, volunteers or agents.

— Agreed

Signed _____

Date _____

PROCEDURES FOR USE OF UNMANNED AIRCRAFT SYSTEMS (UAS) (continued)

| Murrieta Valley USD Permit for Use of Drones Over District | |
|---|--|
| Contact Information | |
| Name of Applicant/Requestor: | |
| If applicable, Department or Company: | |
| Contact Phone #: | |
| E-Mail Address: | |
| Flight Details/Plan of Activities | |
| Purpose of drone flight: | |
| Proposed Dates of Flight: | |
| Proposed Time of Flight: | |
| Estimated Flight Duration: | |
| Estimated Flight Altitude: | |
| Where Do You Propose To Fly the Drone: | |
| Drone Information | |
| Drone Description: | |
| Make / Model/ID # | |
| FAA Registration #: | |
| Approximate Weight: | |
| Aircraft Owner: | |
| Pilot Information | |
| Pilot Name: | |
| Attach Copy of Remote Pilot Certificate | |