

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	ABA-RB, COB-RA, DJA-RB, EBH-RA, EGF-RB, EIB-RA, EKA-RA, IGK, KGA-RA
Responsible Office(s):	Office of the Chief Academic Officer; Office of Systemwide Safety and Emergency Management; Office of School Support and Well-being

Flying Small Unmanned Aircraft Systems (Drones) on MCPS Property

I. PURPOSE

To establish guidelines and procedures for the use of small Unmanned Aircraft Systems (UAS) (hereafter referred to as “drones”) on Montgomery County Public Schools (MCPS) property by MCPS staff and MCPS students flying under the direct supervision of an approved drone operator, for instructional purposes

To prohibit drones of any size on MCPS property by other recreational users

II. BACKGROUND

Federal law and the Federal Aviation Administration (FAA) establish permissible conditions for drones. The FAA certifies drone operators who successfully demonstrate knowledge of FAA regulations. FAA regulations establish, among other requirements, restricted airspace that includes certain MCPS properties. FAA regulations further establish that no person may operate a drone in prohibited or restricted areas, unless that person has permission from the using or controlling agency.

III. DEFINITIONS

- A. A *drone*, for the purposes of this regulation, is a UAS, as defined by the FAA to include an unmanned aircraft over 250 grams and under 55 pounds¹ and its associated elements (including communication links and the components that

¹ The rule for operating unmanned aircraft systems (UAS) or drones under 55 pounds in the National Airspace System (NAS) is 14 CFR Part 107, referred to as the Small UAS Rule.

control the unmanned aircraft) required for the drone operator in command to operate safely and efficiently in U.S. airspace.

- B. A *drone operator* means an individual who maintains a current FAA Remote Pilot Certificate, demonstrating successful completion of an FAA examination required under the FAA's Small UAS Rule (Part 107).
- C. A *drone incident*² means –
1. property or drone damage resulting from drone operation, and/or
 2. retrieval of a drone –
 - a) outside of MCPS property, another public property, or from private property for which permission is required from a property owner for retrieval, or
 - b) any retrieval for which assistance is needed. Students and staff are not to enter a roadway, access a roof, or climb to retrieve an out-of-reach drone.
- D. *MCPS property* means any MCPS school or other facility, including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles and the facility and/or the grounds of any MCPS-sponsored activity involving students.
- E. A *site administrator/designee* means the school principal/director of an MCPS facility or their designee. The site administrator/designee gives permission for drone flight, and commits to being on the MCPS property during the flight or, if an unforeseen event requires them to leave the property, designates an alternate site administrator who will be on site.
- F. A *site sponsor* means an MCPS staff person who initiates the request to conduct a drone flight, coordinates required approval submissions, and oversees the students participating in the drone flight.
- a) If the drone operator is a guest presenter, the site sponsor may be the teacher whose class is participating in the drone flight. In such cases, the teacher is also responsible for the drone operator while on site.
 - b) If the drone operator is the MCPS teacher whose class is participating in the drone flight, they may initiate the request to conduct a drone flight and

² See also MCPS Regulation COB-RA, *Incident Reporting*, for those incidents that include some level of risk, harm or threat of harm to staff or students, or seriously disrupts school operations.

coordinate required approval submissions, but another MCPS staff person must be present to oversee student participants.

- G. A *student operator* is an MCPS student or staff member who is not an FAA-certified drone operator and is flying a drone under the direct supervision of an FAA-certified drone operator.

IV. GUIDELINES

A. Permissible Uses of Drones

1. The Office of Curriculum and Instructional Programs (OCIP) may specify MCPS instructional programs, such as the Science, Technology, Engineering, and Mathematics (STEM) Aviation curriculum, for which drones may be used for instructional purposes.
2. MCPS students and staff may use drones only on MCPS property under the supervision of an FAA-certified drone operator and in accordance with an approved flight plan (see section V.B.1-2).
3. The following are not allowed:
 - a) Extracurricular uses of drones will generally not be approved.
 - b) Recreational operation of drones and model aircraft is not permitted on MCPS property (see also MCPS Regulation KGA-RA, *Community Use of Public Schools*, and the Montgomery County Office of Community Use of Public Facilities (CUPF) *Facility Use License Agreement*).
 - c) Consistent with FAA regulations, outdoor drone flights are not permitted on MCPS properties that fall within FAA-defined Class B, Class C, Class D, and Class E restricted airspace.
 - d) Flight will not be permitted near other outdoor group activities (e.g., sports events/practices or classes).
 - e) Drone flights involving students may not fly –
 - (1) over people or vehicles, or
 - (2) near or over any schools, stadiums, or other structures on MCPS property.

- (3) Flying over (1) or (2) for operational purposes (e.g., monitoring construction or bus fleet depots) is at the discretion of the chief operating officer/designee.

B. Flight Requirements (Instructional)

1. An approved drone operator (see section V.B.1) and the site sponsor must be present, with appropriate supervision of students (see section III.F). “Present” means that the drone operator is within reach of the flight controls, and the site administrator is on the MCPS property.
2. At all times during flight, the drone must –
 - a) be visible to the drone operator,
 - b) remain under 400 feet and within the boundaries of the MCPS property indicated on the flight plan.
3. Operators/Participants
 - a) Safety glasses must be worn by all operators/participants, even when drones are in a contained (i.e., netted or caged) area, separate from other participants.
 - b) Student drone operators may operate the controls only with their instructor’s approval, upon successful completion of a test provided by their instructor to demonstrate their understanding of FAA Certified Remote Pilot requirements and this regulation.
4. Drone Specifications
 - a) Only drones that hover when controls are released will be allowed to fly on MCPS property.
 - b) Flight of a drone that has been modified with parts that are not approved by the manufacturer is prohibited.

V. APPROVAL, RECORDKEEPING, AND INCIDENT REPORTING PROCEDURES

A. Responsible Offices

1. The OCIP Foundations office is responsible for reviewing and approving flight plan applications and providing guidance to MCPS staff seeking to fly drones on MCPS property for instructional purposes.

2. The Office of Systemwide Safety and Emergency Management (OSSEM) systemwide safety team leader and the Division of Financial Services risk management specialist must be informed prior to drone flights on MCPS property for operational purposes (e.g., monitoring construction or bus fleet depots).
3. Purchasing a drone with MCPS funds or accepting the donation of a drone is not recommended. Any MCPS departments that have purchased drones with MCPS funds or accepted donated drones must consult with –
 - a) the OSSEM video records specialist to ensure compliance with MCPS Regulation EGF-RB, *Retention and Disclosure of MCPS Video Records*, and
 - b) the Division of Financial Services risk management specialist.
 - c) See also MCPS Regulation DJA-RB, *Purchases of Materials and Equipment Using Nonappropriated Funds and Acceptance of Donated Items*.

B. Drone Operator and Drone Flight Plan Approval

1. Drone Operator Application

An individual who maintains a current FAA Remote Pilot Certification may be approved as a drone operator as follows:

- (1) Complete MCPS Form 360-26, *MCPS Drone Operator Application*.
- (2) Attach a copy of the applicant's current FAA-issued Remote Pilot Certificate.
- (3) Submit Form 360-26 to the site sponsor who will be responsible for obtaining the site administrator's approval and submitting all forms to the OCIP Foundations office.
- (4) Form 360-26 and Form 360-32, *MCPS Drone Flight Plan Application*, may be submitted at the same time.

2. Drone Flight Plan Approval

- a) A flight or series of flights may be approved for specific dates or an ongoing series of dates, (e.g., a recurring component of a class curriculum) as follows:
 - (1) Complete MCPS Form 360-32, *MCPS Drone Flight Plan Application*, and submit it to the OCIP Foundations office at least two weeks in advance of the intended flight(s).
 - (2) Form 360-32 must include –
 - (a) MCPS Form 360-26 and FAA Remote Pilot Certificate for the proposed drone operator (if the drone operator was previously approved in the same school year, include the approved Form 360-26 and a current FAA certificate)
 - (b) Flight plan map
- b) Ongoing flight plan approvals will be granted for not more than one school year (July 1 to June 30).
- c) The drone operator and/or site sponsor must have a current, approved flight plan on file with the OCIP Foundations office for the location and time that the flight will occur.

C. Drone Incidents and Incident Reports

1. Any incident resulting from a drone flight must be reported immediately to the site administrator, who will implement MCPS Regulation COB-RA, *Incident Reporting*, as appropriate.
2. Form 360-33, *MCPS Drone Incident Report*, must be completed and submitted within 24 hours to the OCIP Foundations office and the OSSEM systemwide safety team leader, with a copy to the site administrator.
3. In consultation with the site administrator, OCIP/designee, or OSSEM/designee, approved flight plans may be revoked at any time, and programmatic adjustments may be implemented as a result of the drone incident.
4. The FAA requires that a remote pilot in command of a drone must report an accident to the FAA within 10 days if it results in serious injury to any

person or any loss of consciousness, or if it causes damage to any property (other than the drone) in excess of \$500 to repair or replace the property (whichever is lower). For MCPS purposes, the site sponsor and the site administrator are to coordinate with the drone operator to make sure the report is filed in a timely manner.

D. Recordkeeping

1. The OCIP Foundations office is responsible for authorizing and maintaining a log of –
 - a) MCPS staff members who have obtained and maintain current FAA Remote Pilot certification and are registered as approved MCPS drone operators for instructional purposes,
 - b) approved drone flight plans, and
 - c) reported drone incidents.

2. The site administrator must maintain a drone flight log for all flights that occur on their site. A sample log will be developed by the OCIP Foundations office. The drone flight log –
 - a) must include an approved flight plan and approved operator forms, and any incident reports that were filed, and
 - b) be made available to OCIP or OSSEM on request.

Related Sources:

49 USC 44809: Exception for limited recreational operations of unmanned aircraft; 14 CFR Part 107 Small Unmanned Aircraft Systems; Montgomery County Office of Community Use of Public Facilities (CUPF) *Facility Use License Agreement*

Regulation History:

New regulation, approved June 5, 2024.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:

- (1) Title VI of the federal Civil Rights Act of 1964; and
- (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

<p>For inquiries or complaints about discrimination against MCPS students***</p> <p>Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org</p>	<p>For inquiries or complaints about discrimination against MCPS staff***</p> <p>Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</p> <p>Section 504 Coordinator Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org</p>	<p>For staff requests for accommodations under the Americans with Disabilities Act</p> <p>ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***</p> <p>Title IX Coordinator Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org</p>	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mCPSinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.