

# JCPS Initiated New and Amended Board Policies

## Unmanned Aircraft Systems

### PURPOSE

This policy is implemented to protect the health and safety of District students, employees, and visitors, and to comply with Federal Aviation Administration (FAA) requirements to prevent the disruption with active flight activities in the region.

### DEFINITIONS

1. *Unmanned Aircraft Systems (UAS)*: any unmanned aerial vehicle or drone operated from a distance of more than one foot via tether or remote control or autonomous control, including but not limited to fixed wing and rotorcraft platforms.
2. *Operator*: any staff, student, visitor, contractor, paraprofessional, agency, booster club, club organization, external support organization, or other individual using or piloting an UAS.

### POLICY

1. This policy applies to Operators (users/pilots) of Unmanned Aircraft Systems (UAS) or drones for education, demonstrations, communications, recreation, and all other purposes while on District owned, operated or controlled property. Controlled property includes all sites not owned by the District but where the District is hosting events, activities, or athletic competitions for the duration of the event, activity, or athletic competition.
2. The District shall comply with FAA requirements, state law, and any other locally applicable laws or regulations regarding UAS.
3. Education institutions and other public entities may operate UAS upon receipt of a Certificate of Waiver or Authorization ("COA") from the FAA.
4. UAS shall only be used for institutional purposes compliant with District Vision and Mission.
5. Hobbyist or recreational use of UAS is prohibited on all District owned, operated or controlled property.
6. UAS shall be operated in a manner that adheres to federal and state law and FAA requirements regarding the operation of said aircraft to include but not limited to:
  - a. Flying below 400 feet and remaining clear of surrounding obstacles.
  - b. Remaining well clear of and not interfering with manned aircraft operations.
  - c. Not flying within five (5) miles of any designated airport (or helipad) unless the operator contacts the airport (or helipad) and control tower before flying.
  - d. Refraining from being careless or reckless with the UAS which could result in a fine for endangering people or other aircraft.
7. UAS used in accordance with this policy shall be under the complete control and within visual line of sight of the Operator at all times.
8. Commercial use of UAS is not permitted unless there is approval from the District, the UAS has been registered with the FAA and the FAA has issued a 333 exemption and COA to the commercial operator.

## Unmanned Aircraft Systems

### POLICY (CONTINUED)

9. UAS shall not be used in such a way as to create a hazard to District owned, operated, or controlled property, the community or the public. UAS shall not be operated in a way that disrupts instruction or unduly affects the environment of people in or passing through a common space or residential space, working or studying within a building, or entering, exiting or otherwise making their way about a facility.
10. UAS shall not be operated directly above open air events, above thoroughfares, including but not limited to roadways, sidewalks, bike paths and pedestrian paths.
11. Use of UAS at athletic events is prohibited.
12. Failure to comply with this policy may result in referral to campus, local, state or federal law enforcement for citation and prosecution consistent with federal and state law.

### APPROVAL PROCESS

To utilize UAS on any District owned, operated or controlled property, the Operator shall request permission through District Insurance Department at least fourteen days prior to operation. Included in all permission requests, both internal and external, must include a description of the UAS to be used, the name and FAA pilot license number of the Operator, the date of operation, and the site where the UAS will be operated. Included in all external party usage requirements must be proof of general liability insurance with a \$1,000,000 per occurrence limit, \$2,000,000 aggregate limit, and Jefferson County Public Schools must be added as an additional insured.

### RESPONSIBILITIES

1. Administration of this policy is coordinated through the Insurance Department with Support of Financial Services.
2. A list of those authorized to use UAS will be viewable by District administrative offices.

### REFERENCES:

KRS 183.086

KRS 500.130

KRS 501.110

Public Law 112-95, Title III, Subtitle B – Unmanned Aircraft Systems (FAA Modernization and Reform Act of 2012)

Public Law 114-90, Title II, Subtitle B – UAS Safety (FAA Extension, Safety, and Security Act of 2016)

14 CFR 1.1-1.3

14 CFR 21.1-21.700



## **Student Records**

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

### **TYPES OF STUDENT RECORDS**

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

### **PROCEDURE TO BE ESTABLISHED**

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

### **DISCLOSURE OF RECORDS**

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent's record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.<sup>1</sup>

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

Considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

**Student Records****DISCLOSURE OF RECORDS (CONTINUED)**

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

**DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 C.F.R. Part 99.35.

**DUTY TO REPORT**

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

**DIRECTORY INFORMATION**

The Superintendent/designee is authorized to release student directory information to organizations or individuals ~~with a legitimate educational interest and purpose~~ upon written request. A student's name, address, grade level, honors and awards, photograph ~~(excluding~~ including use of student photographs in school District publications, school District social media, on the school District's website and to news media, video records) ~~or film of students when filmed by the District for educational purposes or for promotional use or filmed by news media,~~ and major field of study shall constitute directory information. Photos and video that would generally be considered harmful or an invasion of privacy if disclosed are not directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

**Student Records****DIRECTORY INFORMATION (CONTINUED)**

Unless the parent/guardian or student who has reached age 18 requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters and institutions of higher education upon their request.

**SURVEYS OF PROTECTED INFORMATION**

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child~~(ren)~~ to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child~~(ren)~~ out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

These requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

**STUDENTS WITH DISABILITIES**

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

**RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency listed as part of Kentucky's juvenile justice system in [KRS 17.125](#) if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

## **Student Records**

### **RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

### **COURT ORDER/SUBPOENA**

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

### **REFERENCES:**

<sup>1</sup>[KRS 158.153](#); [KRS 610.320](#); [KRS 610.340](#); [KRS 610.345](#)  
[KRS 7.110](#); [KRS 15A.067](#); [KRS 17.125](#); [KRS 158.032](#); [KRS 159.160](#); [KRS 159.250](#)  
[KRS 160.990](#); [KRS 161.200](#); [KRS 161.210](#)  
[KRS 365.732](#); [KRS 365.734](#)  
[702 KAR 001:140](#); [702 KAR 003:220](#)  
20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67  
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98  
[OAG 80-33](#); [OAG 85-130](#); [OAG 85-140](#); [OAG 86-2](#); [OAG 93-35](#)  
OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35  
Kentucky Family Educational Rights and Privacy Act ([KRS 160.700](#); [KRS 160.705](#)  
[KRS 160.710](#); [KRS 160.715](#); [KRS 160.720](#); [KRS 160.725](#); [KRS 160.730](#))  
Individuals with Disabilities Education Improvement Act of 2004  
Kentucky Education Technology System (KETS)  
P. L. 114-95, (Every Student Succeeds Act of 2015)  
42 U.S.C. 11431 et seq. (McKinney-Vento Act)

### **RELATED POLICIES:**

09.111; 09.12311; 09.43

Adopted/Amended: 2/27/2018

Order #: 2018-48