



## Drone Use Regulations in Constant Flux

### What Districts Should Know Before Flying the Friendly Skies

In anticipation of the unprecedented number of drones (or unmanned aircraft systems) expected to make their way under holiday trees this month, the Federal Aviation Administration has released new registration requirements for drones.

This is just the latest in a series of actions by the FAA to provide guidance regarding the use of drones by public and commercial entities as well as private citizens. According to the FAA, the registration process announced December 14 applies specifically to those using small drones for hobbyist or recreational purposes. Use by public entities would not fall under recreational use, the FAA said.

So what does all this mean for school districts or colleges utilizing drones for curriculum based activities or business operations? Information on the FAA website can be confusing to navigate at best, especially if one is unfamiliar with the organization's rules and regulations. Additionally, information found there can often be a bit unclear—as with the December 14 press release—as to what kind of drone use it applies to.

In an effort to break it down for our members, SELF staff contacted the FAA's UAS Integration Office to get some guidance on what schools should—and should not—be doing in relation to drone operations.

Basically the FAA breaks things down into three categories—drones used for hobbyist or recreational purposes by private citizens, drones used by public entities—such as cities, police departments or schools—and drones used for commercial purposes—such as companies selling aerial photography services or proposing product delivery by drone such as the recently publicized plans of Amazon.com.

For public entities, the current laws/federal regulations for operating drones (regardless of size or weight) safely in the National Airspace System (NAS) require the following:

- A certificated and registered aircraft
- A licensed pilot
- Operational approval

However, the FAA concedes that these regulations and requirements were written mainly for the operation of manned aircraft. As a result, Congress passed Section 333 of the FAA Modernization and Reform Act of 2012 which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a drone to operate safely in the NAS and to authorize drone operations without an airworthiness certificate.

A Section 333 exemption, if granted would provide the school district with a Certificate of Waiver or Authorization and if requested could waive the requirement for a licensed

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### Conferences & Events

#### JANUARY

#### School Services Governor's Budget Workshop

Sacramento – January 13  
Ontario – January 14

#### ACCCA Governor's Budget Workshop

Sacramento – January 20

#### FEBRUARY

#### Riddell InSite Helmet Sensor Technology Webinar

Thursday, February 11  
Registration Opens Soon!

#### ACCCA Annual Conference

February 17-19, Riverside

### About Us

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### Our Mission

SELF is a member-owned, statewide partnership of public educational agencies providing quality pooled programs for excess coverage that benefit our students.

### By the Numbers

SELF is the leading statewide excess liability provider for California's public schools and colleges, serving nearly 3 million students.

### SELF Awareness

Comments should be sent to the above address or [info@selfjpa.org](mailto:info@selfjpa.org).

### Board

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## A Message from Eric Lucas



I was reading an article that stated the Insurance Information Institute recently released a study indicating that California ranks in the bottom 10 percent of all states for liability systems and mentions California as one of the judicial “Hellholes” in the United States along with Illinois,

New York and Florida.

You then have to ask the question “What about California garners this recognition?” Certainly the lack of any state tort claim caps against public entities is a prime reason. Did you know that 33 of the 50 states have tort caps for damages against public entities?

What else could cause California to have such a negative light cast upon it? One could look at the statute of limitations currently on the books regarding molestation. As currently stands and in very simplistic terms, one could file a claim eight years from their 18th birthday or three years after they realize that physical or psychological injury has resulted from childhood sexual abuse, no matter what their age. Despite this, the California legislature has, each of the past two years, placed a bill on the Governor’s desk to extend that statute of limitations to age 40.

The Governor has vetoed both of those efforts using very judicial language in his message. In paraphrasing he stated that organizations should be secure in the reasonable expectation that past acts are indeed in the past and not subject to further lawsuits. Additionally he notes that with the passage of time, evidence may be lost or disposed of, memories fade and witnesses move away or die. He concluded by saying that there needs to be a compelling reason to lengthen the statute of limitations for civil claims against third parties—here public entities—and he failed to see any evidence of such a reason in the most recent bill.

As SELF moves into its 4th decade of serving public education agencies in California, we have seen that the type of loss discussed here continues to occur and at an ever increasing rate. The average cost to defend and settle one of these cases is now in excess of \$1 million. Each year the SELF Board examines the liability coverage limits currently offered to the membership in light of these and other catastrophic claim exposures. One of SELF’s goals is to achieve the broadest coverage in terms of dollars for these exposures that our members face. We are now more focused on that goal than ever before.

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pilot to operate the UAS among other things. However, the exemption also comes with specific limitations outlined by the FAA for drone operation by the petitioner.

In short, if your district currently owns and operates drones in the National Airspace System, it is in violation of federal law and regulation if it does not have a COA or a Section 333 exemption.

However, evolving technologies make for ever-changing regulations. The FAA has proposed a framework of regulations that would allow routine use of certain small unmanned aircraft systems while maintaining flexibility for future technological innovations. The proposal offers safety rules for small drones weighing less than 55 pounds used for non-recreational purposes. The 60-day public comment period for the Small UAS Notice of Proposed Rulemaking closed in April, however, the FAA does not anticipate that the final document will be adopted until sometime in the spring of 2016.

While the operation of drones is not yet commonplace among our members, we do have some members utilizing the small unmanned aircraft for maintenance and facilities purposes or within curriculum based activities. SELF will continue to monitor developments in this area and will keep the membership updated as changes occur.

For more information on obtaining a Section 333 exemption or for an overview of the Small UAS NPRM, visit [www.faa.gov/uas](http://www.faa.gov/uas).

## First Model Code of Ethics for Educators Released

By Dr. Glenn Lipson



The National Association of State Directors of Teacher Education and Certification (NASDTEC) announced the first Model Code of Ethics for Educators (MCEE) in June at the National Press Club in Washington, D.C.

This document was generated by a diverse group of education partners including teachers, administrators and para-professionals in an attempt to spur a national focus on enhancing the best decision making practices for educators. This code is available at no cost and may be downloaded for distribution from the NASDTEC ( [http://www.nasdtc.net/?page=MCEE\\_DOCS](http://www.nasdtc.net/?page=MCEE_DOCS) ). The goal of this document is to empower P-12 educators with a framework for the countless ethical decisions they must make in schools every day. Assisting educators in good decision making enhances public confidence and decreases risk.

Dr. Phillip S. Rogers, Executive Director of NASDTEC stated, “The code also assists EPPs (Educator Preparation Providers) in preparing new educators who will continue to face more complex issues in the future.”

This innovative effort was accomplished with the assistance and support of Educational Testing Service (ETS), University of Phoenix College of Education and the National Network of State Teachers of the Year (NNSTOY).

Katherine Bassett, Executive Director of NNSTOY stated in a June press release, “A professional code, developed by practitioners for practitioners, in which to hold themselves accountable, is a hallmark of a true profession. We are delighted that education now has such a code.”

NASDTEC was the neutral organization for various stakeholders to meet and confer during this year long process of agreeing on the ethical principles. Founded in 1928, the organization represents professional standards boards and commissions and state departments of education in all 50 states, the District of Columbia, the Department of Defense Education Activity, the U.S. Territories, Alberta, British Columbia, and Ontario that are responsible for the preparation, licensure, and discipline of educational personnel.

Regulatory and education codes are not the same as a code of ethics. One of the goals of a code of ethics is to assist in integrating the many pulls that exist in education. The metaphor that captures the value of a code of ethics is one of providing a wheel “alignment.”

Imagine, if you will, a car whose tires need aligning and balancing. In front, there is a tire that represents the regulatory code – district policy – and a second tire representing the dispositions that bring someone into the classroom. In the rear there is a tire representing personal values and vulnerabilities and finally, the last of the four tires representing the everyday demands of the children, their parents or the community. All of these need to be in alignment if the car is going to stay safely on the road. Ethics is a way of examining how all of the tires align and work together assisting the educator in avoiding the mishaps that occur from misalignment.

The ethics code is built around five central principles which define the scope of ethical practice expected of professional educators: Responsibility to Profession; Responsibility for Professional Competence; Responsibility to Students; Responsibility to the School Community; and the Responsible and Ethical Use of Technology.

A virtual ethics wave is building and all are welcome to join in this movement and participate in the discussion. An Associate Membership in NASDTEC, a non-profit, is available for a nominal fee and provides access to their webinars, clearing house and other valuable resources. An

entity such as a JPA may join for \$500, and for that they will receive 25 listed associate memberships.

## Board Changes

The SELF Board of Directors bid farewell to long-time Area III Board Member Richard Hare at its October meeting, after he submitted his resignation following his retirement as Executive Director of the Tri-County Schools Insurance Group.

Hare had served on the Board, both as an alternate and a member since 2006, and sat on both the Finance and the Workers’ Compensation Claims and Coverage committees. His contributions to SELF will be greatly missed.

Area III Alternate Bev Wilkinson, Executive Director of Schools Insurance Group, was appointed by the Board to finish out Hare’s term which is set to expire in 2017.

Also at the October meeting, the Board appointed Dr. Stefanie Phillips, Deputy Superintendent of Operations/ Chief Business Officer of Santa Ana Unified School District to a vacant Area VI Alternate position.

The SELF Board is made up of 16 elected representatives and a host of alternates employed by member districts in varied positions from chief business officials, top-level administration, risk management and human resources.

Half of the SELF Board is up for election every two years and the Board Members serve four-year terms. The next election will be held in the spring of 2017. To see which Board Members and Alternates serve your area, visit our website at: <http://www.selfjpa.org/about/board.php>

## SELF Offers Higher Limits

Is your district interested in obtaining higher limits than what is currently available in the core Excess Liability Program? For only \$0.95 per ADA and \$0.68 per FTES our Optional Excess Liability coverage offering can provide another \$25 million in limits on top of the \$30 million core limit.

The additional coverage can be added at any time of year. To start the process for adding the coverage, fill out the one page application at <http://www.selfjpa.org/programs/OELPAPP.pdf> . Once you’ve added the coverage for your district it will continue each year unless you fill out a change of retention/option form by the March 1 deadline prior to the new coverage year.

To get a quote or, if your district is interested in purchasing higher limits than what is currently being offered in the OEL, contact Director of Communications & Member Services Lois Gormley at 916-553-3203 or [lois@selfjpa.org](mailto:lois@selfjpa.org).

## SELF Esteem

Hats off to the five remarkable educators named 2016 California Teachers of the Year by the California Department of Education in October!

SELF salutes **Mitch Bahr, Shasta Union High School District; Doug Green, Carlsbad Unified School District;** Daniel Jocz, Los Angeles Unified School District; Michelle Cherland, Desert Sands Unified School District; and Ann Park, Oakland Unified School District.

The California Teachers of the Year Program began in 1972 to honor outstanding teachers and encourage new teachers to enter the field. County offices of education nominate winners through their regional Teachers of the Year competitions. A state selection committee reviews candidates' applications and conducts site visits to evaluate the teachers' rapport with students, classroom environment, presentation skills, and teaching methods, among other criteria.

The teachers are interviewed at the California Department of Education (CDE) in Sacramento. The State Superintendent then selects the five awardees.

The 2016 California Teachers of the Year, the finalists, and semi-finalists will be honored at a gala to be held in Sacramento on February 15, 2016.

Congratulations to the 193 middle schools and the 180 high schools that were honored under the 2015 Gold Ribbon Schools Awards Program! Seventy-nine SELF member districts had schools that received the honor, which is temporarily replacing the state's distinguished school program, which has been suspended because of changes in standards and tests.

These schools are academically successful, vibrant, and innovative centers of learning and teaching," said State Superintendent of Public Instruction Tom Torlakson in a May press release. "They provide great examples of the things educators are doing right—embracing rigorous academic standards, providing excellence and creativity in teaching, and creating a positive school climate.

The Gold Ribbon awards recognize California schools that have made gains in implementing the academic content and performance standards adopted by the State Board of Education. These include, the California Standards for English Language Arts and Mathematics, California English Language Development Standards and Next Generation Science Awards.

*Bolding indicates active SELF members*



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## Legislative Update

*By Ron Bennett & Nancy LaCasse, School Services of California*

The big news in the State Capital in late November was the Legislative Analyst's Office (LAO) assessment of the California economy and State Budget. The report, *The 2016-17 Budget: California Fiscal Outlook*, provides a preview of the direction Governor Jerry Brown's January Budget will likely take based on current-year revenue and expenditure trends through October 2015. The report concludes that the State Budget is in a better position to weather an economic downturn than it has been in decades. Mac Taylor, the head of the LAO, summarized the outlook saying, "This is a very positive situation."



In response to the LAO's broad findings, Michael Cohen, the director of the Department of Finance (DOF) issued a statement saying, "The strong economy is good news for California, but the recession scenario outlined by the Legislative Analyst is a sobering reminder that we must continue to pursue fiscal discipline, pay down liabilities and build up our Rainy Day Fund during these fleeting good times."

The LAO forecasts \$3.6 billion in higher revenue in the current year than is reflected in the 2015-2016 State Budget. For 2016-17, the LAO projects General Fund revenue of \$1.8 billion more than the DOF. Combined with relatively slow caseload growth and an assumption that no new programs will be created, the forecast shows growing budget surpluses through 2019-20. State revenues are projected to increase at an average annual rate of 3.7% from 2015-16 through 2019-20, while expenditures are expected to rise at an average annual rate of 3.2%, resulting in a growing operating surplus, which reaches \$3.9 billion by 2019-20.

As for Proposition 98, the current-year minimum guarantee is revised upward by \$739 million, according to the LAO,

with \$195 million attributable to the maintenance factor, which will be fully repaid by the end of 2015-16. For the budget year, the LAO estimates that that Proposition 98 guarantee will increase \$2.3 billion, or 3.3%, above the revised level for 2015-16, the LAO estimates that \$3.6 billion will be available for new ongoing spending in 2016-17.

## California's Education Spending – Ranking the States

Like recent years, the LAO's outlook will be welcome news to state lawmakers as they react to Governor Brown's Budget to be released in January. Perhaps state resources can be directed to address some of the shortcomings in the state's education funding as reported by the California Budget and Policy Center. According to a recent report, the state's support for its K-12 public school system lags the nation by almost any measure.

- In 2014-15, California ranked 42nd among all states in spending per K-12 student after adjusting for differences in the cost-of-living in each state. California schools spent \$10,139 per K-12 student, \$1,900 less than the \$12,040 per student spent by the nation as a whole.
- California ranked 36th among all states in K-12 spending as a share of the state economy in 2014-15. California's K-12 school spending in 2014-15 was 3.48% of state personal income—a measure that reflects the size of the state's economy—compared to 3.88% in the nation as a whole. Gauging school spending as a share of the personal income received by the state's residents takes into account differences in states' wealth and thus in their capacity to support K-12 schools.
- California ranked last in the nation in the number of K-12 students per teacher in 2014-15. California's student-to-teacher ratio was greater than 22-to-1, more than 40% higher than the national ratio of 15.5 students per teacher.
- California ranked last or close to last in the nation in the number of students per staff. California's student-to-librarian ratio was more than 7,500-to-1 (ranking 51st), its student-to-guidance-counselor ratio was 785-to-1 (51st), and its student-to-administrator ratio was 312-to-1 (47th) in 2011-12, the most recent year for which data is available.

## SELF 2015 / 2016 Meeting Schedule

Meetings are held at the SELF office in Sacramento unless otherwise noted.

<b>Date</b>		<b>Future Meetings</b>
January 8, 2016	9:30 a.m.	Executive Committee
January 14, 2016	9:30 a.m.	Liability Claims & Coverage Committee
January 25 & 26, 2016		Strategic Planning – Andaz Hotel, Napa
March 17, 2016	10:00 a.m.	Finance Committee
March 18, 2016	9:30 a.m.	Executive Committee
April 7, 2016	10:00 a.m.	Member Services & Communications Committee
April 7, 2016	1:00 p.m.	Liability Claims & Coverage Committee
April 7, 2016	2:00 p.m.	Workers' Compensation Claims & Coverage Committee
April 8, 2016	8:30 a.m.	Board of Directors
May 20, 2016	9:30 a.m.	Executive Committee
June 9, 2016	10:00 a.m.	Finance Committee
June 23, 2016	10:00 a.m.	Member Services & Communications Committee
June 23, 2016	1:00 p.m.	Liability Claims & Coverage Committee
June 23, 2016	2:00 p.m.	Workers' Compensation Claims & Coverage Committee
June 24, 2016	8:30 a.m.	Board of Directors