



January 26, 2016

TO: SISC II Member Districts

FROM: Robert J. Kretzmer
Director, Property & Liability

SUBJECT: Drones

SISC II staff has received several inquiries regarding the use of drones on school campuses in recent weeks. This is a new development in the SISC II program and one we are paying close attention to.

Under the SISC II Liability Memorandum of Coverage (MOC) coverage is afforded for drones. While the MOC does contain an exclusion for aircraft, the term aircraft is defined as “a vehicle designed for the transport of persons or property principally in the air, including lighter-than-air, heavier-than-air, gliders and roto craft.” Therefore, because drones are not designed for the transport of persons or property, SISC II does afford coverage up to the self-retained limit of \$1.75 million. Effective December 31, 2015, the SISC II liability excess insurer affords coverage for drones in the amount of \$1 million excess of the SISC II self-retained limit.

Special care needs to be given when operating drones on school premises. Drones, which fall under the category of Small Unmanned Aircraft Systems (SUAS) weighing less than 55 pounds, should be used on a limited basis for well defined, specific purposes. Video systems deployed with the SUAS also need to be carefully monitored. Three important safe practices to keep in mind are:

1. Drones that are owned or borrowed by your district should only be operated over district property. An “Over District Property Only (ODPO)” policy should be created.
2. Drones can only be operated within Class G air space as defined by the Federal Aviation Administration (FAA.) This airspace is generally defined as below 400 feet and within sight of the operator. Also keep in mind that drones should be operated at least five nautical miles from any airport. In general, the FAA does not allow a SUAS to operate in the National Airspace. All governmental agencies must apply for a Certificate of Authorization (COA) or for an exemption under Section 333.
3. Drones should not be operated within the confines of a building unless the drone is so light as to not pose a risk of injury. The drone should still be inspected for sharp edges and hazards prior to use.

Effective December 21, 2015, anyone who owns a small unmanned aircraft of a certain weight must register with the Federal Aviation Administration's Unmanned Aircraft System (UAS) registry. Please go to <https://www.faa.gov/uas/registration/> for information concerning the registration of drones owned and operated by your district.

In order to avoid possible liability exposures as the result of your district's use of a drone or drones, strict adherence to the recommendations noted above will help with this effort. One cannot underestimate the importance of your district making every effort to protect the privacy of those in neighboring communities where there is an expectation of privacy. Claims or suits related to the invasion of privacy often times can be costly as well as time consuming for employees of your district. Therefore, strict adherence to the operations of drones Over District Property Only (ODPO) is essential.

We are attaching a copy of a model policy developed for SISC II that can be used by member districts for the operation of their drone program.

Enclosure: Small Unmanned Aircraft System (SUAS) Policy

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[District Name] Small Unmanned Aircraft System (SUAS) Policy

Policy Statement

It shall be the policy of the [Insert District name] School District, herein after referred to as “District”, to implement the use of small unmanned aircraft systems (SUAS a.k.a. drones) at each school site throughout the District for the sole use of the District on a temporary basis as needed and as conditions may dictate. The implementation of such systems is solely for the maintenance of school/district property and limited educational activities (example: formations of bands, sport teams, robotics, etc.) and learning purposes. The system is not designed or intended to protect individuals from being the victims of violent or property crimes or to detect other potentially illegal or undesirable activities which may occur although any information obtained may be used as evidence in such cases.

The implementation of SUAS shall not replace the need for the ongoing vigilance of the District maintenance and operations staff, district police and/or campus supervisors/security staff. School administrators shall ensure that due diligence is observed in the use and maintenance of SUAS. District counsel shall review the SUAS policy, procedures, operational guidelines, camera use and fields of view, and other elements of the program as may be required to ensure that the use of the SUAS and any resulting images are lawful at all times.

SUAS Areas of Use

The District has established a policy of ODPO (Over District Property Only) use. Small unmanned aircraft systems will only be operated in FAA airspace designated as Class G (non-National Air Space) and per the District’s restrictions as listed below. Use of SUAS and its video cameras shall only be allowed ODPO where expectations of privacy do not exist.

Upon approval of the District Superintendent, exceptions to the philosophy of ODPO areas of use may be made to provide such coverage within the campus perimeter and in the interior of a site building in times of emergencies or disaster.

At no time shall any SUAS be placed inside a building, classroom, laboratory, library, or other area utilized as a classroom or study space except for express robotics coursework. SUAS cameras shall not be placed or viewed in areas where there may be a reasonable expectation of privacy by staff or students (e.g. rest rooms, locker rooms, private offices, conference rooms, staff lounges).

Operating SUAS in buildings or classrooms is dangerous and may result in injury, loss of vision or death.

(Exception: SUAS in the off, non-operating position, may be placed in a building for storage or repair purposes only. Any person violating this exception will be subject to the disciplinary procedures of the District and its corresponding union agreements.)

Each campus utilizing a SUAS shall post signs stating the following: ***SUAS Video Systems in use.*** Signs shall be a minimum of twenty-four inches (24") in width and eighteen inches (18") in height or similar. Signs shall be in addition to any ***No Trespassing, CCTV Use or Use of Facilities*** signs which may exist and shall be posted at each normal access point to the campus.

All SUAS's will be identified with District information and have Certificate Of Authorization (COA) permit number, if applicable, etched into the body for identification purposes.

Prior to any flight of a SUAS, the pilot will conduct a preflight inspection to ensure that the equipment has airworthiness. At no time shall a pilot operate an unsafe SUAS. No item, string, tape, flags, additional sensor or additional camera shall be placed on the SUAS. (Exception: manufacturer approved sensors and cameras may be installed on SUAS when designed to accept.) Only one pilot-in-command (PIC) shall operate the SUAS, and at no time shall the PIC perform observer duties or crew duties at the same time. SUAS shall remain in visual line-of-sight (VLOS) at all times. Spotters shall be used if VLOS cannot be maintained by the operator.

SUAS shall not be operated where radio controlled equipment is prohibited by law or ordinance and shall never be operated over private (whether neighboring or not), other public or non-District-owned property at any time.

Only one SUAS may be operated per school site at any given time. If more than one SUAS is available at a site, coordination between pilots must be made to ensure that only one SUAS is in flight at any given time.

Operations of SUAS shall not interfere with any manned aircraft operations at any time. Pilots shall yield the right-of-way to any manned aircraft.

SUAS shall not be operated over assemblies, stadiums, sporting events or the like without prior permission from the site principal and notification to the attendees of such events. SUAS shall not be operated over any moving vehicle, bicycle, golf cart, burden cart, forklift, truck, bus or motorcycle whether on District property or not.

SUAS shall not be operated in, around or through firework displays, and at no time shall SUAS be operated during non-daylight hours.

Height, Sight and Weather Restrictions

SUAS shall only be operated 30 minutes after sunrise and 30 minutes prior to sunset (during daylight hours). SUAS shall never approach clouds, operate in clouds, operate through clouds or otherwise operate when weather of any kind restrict flight visibility to less than three (3) statute miles (SM). SUAS shall only be operated in Airspace Class G, spaces which are greater than five (5) nautical miles from an airport.

SUAS's shall operate at 200 feet or less above the ground surface at all times. At no time shall the SUAS be operated outside the pilot's visual line-of-sight and never greater than one nautical mile from the pilot. SUAS's shall not be operated within 25 feet of power electric lines, solar panels, HVAC equipment or other high value or sensitive equipment.

Note: The District has elected to limit the operating height to 200 feet to ensure compliance with the FAA's regulations regarding National Air Space.

Recap of important limits

- 5 miles from airport
- 3 miles flight visibility
- 30 minutes after sunrise
- 30 minutes before sunset
- 1 mile or less from pilot
- 200 feet or less above ground surface
- 25 feet from equipment and power lines
- Only one pilot may operate

Emergencies

Only one SUAS may be operated at a District site at a time unless during an emergency/disaster where the District's Emergency Operations Center (EOC) has authorized the use of multiple SUAS. During emergencies or disasters, the District's EOC may elect to operate SUAS inside buildings and other restricted areas listed in this policy.

Crashes and Collisions

Any SUAS crash or collision shall be immediately reported verbally to the site principal, and a follow up written report shall be made and delivered to the site principal within one hour.

Authorized SUAS Users

Authorized SUAS Users

Authorized users of a SUAS shall be approved and appointed by the school principal in consultation with the District and must hold a registration with the FAA or obtain a registration within two days of becoming an authorized user. The school principal shall be designated as the individual who will have control and oversight of the SUASs at his/her site. School principals shall maintain a list of all employees with authorized access to the SUAS and its recordings and to any stored recording media at that site.

Only employees who have received District approved SUAS training may operate SUAS under this policy. At no time shall a SUAS be operated over, above or on District property for recreational purposes. Any operation of a SUAS in National Air Space (NAS), other than Class G airspace, shall be performed only by a pilot who maintains the appropriate FAA training, licenses and permits to operate in NAS and only after the District has obtained a Certificate of Authorization (COA) to operate the SUAS in NAS and the site principal has provided written permission for the pilot to operate.

Authorized users shall receive training regarding proper use of the SUAS equipment, rules regulating privacy and the District SUAS Policy. Authorized users shall be trained in the technical use of the SUAS video system and how to use the system controls to maximize efficiency and clarity of image. Included in such training shall be maintenance, storage and use of captured images and video, changing recording storage or media and record keeping. Authorized users shall restrict the use of the SUAS video system to that for which it is intended, property conservation only.

SUAS Monitoring

Although constant, real-time monitoring may not always be possible, the District and the individual school sites shall make every effort to ensure that video images are monitored on a scheduled basis. Monitoring shall take place at the school site or at the District office in the area designated as the monitoring center. The monitoring center should be in an enclosed area not subject to unauthorized access or casual entry. For temporary SUAS video capture, the monitoring center may be on or off campus and located as need dictates.

Information obtained through video system shall be used exclusively for maintenance purposes and shall always be considered confidential. The use of the SUAS for monitoring personal safety issues, gathering evidence for use in internal employment or labor-related investigations, gang association or other non-property related purposes is prohibited. Viewing areas off-campus, into neighboring property, into vehicles or onto any areas where there is an expectation of privacy is also prohibited. No sound is to be monitored or recorded at any time.

Remote SUAS monitoring may also be conducted via intranet, internet, wireless or by other means. Any system of remote monitoring shall ensure the security of the SUAS, any resulting images and must include a system utilizing passwords or other identifiers to gain access. Remote monitoring shall only be conducted by authorized school administrators or authorized consultants.

A monitoring committee shall be established to assure that the school adheres to established SUAS Policy, guidelines and procedures. This committee should consist of representatives from the school district, school administration and teachers.

MISUSE DISCIPLINARY POLICY

[\[Insert District policy\]](#)

SUAS Modifications and Expansion

The SUAS or SUAS video at any designated site shall not be modified or otherwise altered from its original state without prior consultation with and approval by District administration, District counsel and the SUAS vendor. Alterations to the SUAS shall be documented in writing with approval from district counsel, district administration and the site principal.

Expansion or repair of existing SUAS shall include compatible equipment and technology and shall be installed within the ODPO coverage guidelines outlined in this Policy.

SUAS Maintenance and Repairs

Only a qualified SUAS technician or vendor can maintain, repair, clean, service, adjust or replace any SUAS video equipment or components. Any unauthorized maintenance, repair or modification of the SUAS or related devices by District employees or unqualified vendors may void system warranties and degrade the system. Only the installing SUAS vendor should perform any service on the SUAS video system during the warranty period.

Operating system software shall not be altered, downloaded, copied, edited or modified by anyone other than a qualified SUAS technician or vendor. Corrupted software resulting from tampering may void system warranties and degrade system performance.

Any defect in SUAS system operation shall be reported both verbally and in writing to the designated SUAS technician or vendor as soon as possible to ensure that any guarantees or warranties are maintained in force. All physical damage to the SUAS or SUAS video system shall be documented and investigated to prevent future incidents.

A SUAS maintenance log shall be maintained at each site, which records each system user, dates and times of use, activity, repairs or notices of malfunction. Such system logs shall be maintained on an ongoing basis and kept available in secure storage for no less than three years. System logs older than three years will be archived but not discarded in accordance with District Recordkeeping requirements and policy.

Storage and Recall of Recorded SUAS Information

The District shall utilize digital technology in the SUAS or SUAS video system. Video images shall be recorded onto an appropriate storage medium and secured at the [\[Insert name\]](#) site in a secure fire resistant cabinet. Recorded video images shall be maintained for a period of no less than one year [\[Insert one year or District's internal retention policy\]](#) from the date the image was recorded.

School principals shall have the authority to approve requests to view recorded and stored video images at their sites by authorized personnel. The principal may authorize viewing of recorded SUAS video system images in the event of an ongoing law enforcement investigation, an incident involving property damage or loss or for other reasons the principal may deem appropriate.

No original SUAS video system recording media may be removed from a school site without permission from district counsel. SUAS media images may be produced and copies may be signed out by the principal with the approval of District administration but shall remain the property of the District. All SUAS video system recording media shall be considered legal evidence and treated as confidential or as directed by District counsel. Release of original SUAS video system media to individuals or agencies outside of the District may only occur when a subpoena or other court order is received and reviewed by District counsel.

Original SUAS system media shall never be edited or manipulated in any manner. A copy may be made and edited for educational video projects where approved. The original SUAS video

system recording media shall be protected from accidental overwrite or erasure during the duplicating process.