

Taking Flight and Avoiding Risk: What Schools Need to Know About Drones

Source: boltonco.com

The number of unmanned aerial vehicles (UAV)—or drones as they're more commonly known—is on the rise, and as schools adapt and adopt this technology into their curriculum, programs and daily life, it's important to consider the responsibility and risk associated with these devices. Drones serve numerous roles for schools. They are most commonly used to inspect facilities, cover sporting events, film marketing footage and provide extracurricular learning opportunities for the sciences and arts. They also prove useful in safety and emergency situations, such as locating a missing student or intruder.

If your school is thinking about purchasing a drone—or already owns and operates one—the first step you need to take is properly registering the device with the Federal Aviation Administration (FAA).

If a drone weighs between .55 to 55 lbs., it needs to be registered with the FAA through the FAA Drone Zone.

Next, it is important to make sure that its use falls within the appropriate FAA classification (recreational, commercial, etc.) and all FAA requirements for that specific classification are met accordingly.

In May of 2016, the FAA issued an interpretation memorandum regarding educational use. Under this document, the FAA clarified that a student may operate a UAV under the FAA recreational classification at an accredited institution if it is part of Science, Technology, Engineering, and Mathematics (STEM), television and film production or the arts coursework. Any use of the drone with commercial intent or for financial gain is not permitted under this classification.

The FAA interpretation, however, was much more restrictive on the operation of drones by faculty. They concluded that because faculty members are compensated for their work they are to be considered commercial operators. They do allow for very minimal faculty participation while the student is operating the drone, such as taking temporary control to avoid a collision or similar situation. Accordingly, those faculty members using drones in their curriculum will need to be trained as to what is considered acceptable participation without crossing that fine line into the commercial FAA category—if they have not met the qualifications as a commercial operator.

You will also need to evaluate the type of insurance coverage necessary to address the potential exposures your school may face operating a drone.

There is considerable potential for technical or human error when operating a drone. If one of these devices loses power while hovering a hundred feet in the air—or more—the device could freefall and seriously harm bystanders or damage property.

It is important to recognize that UAVs fall within the definition of “aircraft” by the FAA and that most insurance policies contain specific aircraft exclusions. Accordingly, the school is encouraged to contact their insurance broker and express the intent of the drone's usage. Properly managed drone insurance will provide operators protection against accidental injuries or damage caused by their drone.

More and more insurance companies are starting to include drones based on the device's size and how the school is going to use it. Smaller drones that are going to be used for academic reasons usually can be added for a minimal amount of premium, the larger ones can be more problematic and might require an aviation-grade policy. It's important to remember that the types of insurance currently available for drones will continue to develop and adapt as the technology progresses and becomes more commonplace.

Beyond insurance coverage, schools need to establish a drone usage protocol for their community, which should be reflective of federal, state and local laws and guidelines. Consider your surroundings, operations and make sure the policy is the right fit for your academic community structure.

If you need a good place to start, use the following community-based safety guidelines sample checklist to consider if you're charged with creating your school's drone protocol:

- Fly no higher than 400 feet and remain below any surrounding obstacles when possible.
- Always keep your drone in eyesight. Use an observer to assist, if needed.
- Remain clear of, and do not interfere with, manned aircraft operations. Always avoid other aircraft and obstacles.
- Do not intentionally fly over unprotected people or moving vehicles, and remain at least 25 feet away from individuals and property not owned by the school.
- Do not fly in adverse weather conditions, such as high winds or reduced visibility.
- Do not fly under the influence of alcohol or drugs.
- Ensure the operating environment is safe and the operator is competent and proficient in drone operation.
- Do not fly near or over sensitive infrastructure or property, such as power stations, water treatment facilities, correctional facilities, heavily traveled roadways, or government facilities.
- Check and follow local laws and ordinances before flying over private property.
- Do not conduct surveillance or photograph people in areas where there is an expectation of privacy without the individual's permission.
- Fly the drone only during the day. It must be flown at or below 100 mph.
- Check with local authorities to determine if your school can restrict others from flying drones over your campus when this activity has not been sanctioned by your staff.

Ultimately, it is up to the school's leadership to ensure that they are following the latest regulatory guidelines, have the proper insurance coverage and establish and instill drone usage protocol that are clearly communicated and consistently enforced within their academic community.