

Raymond School District Policy ECD

UNMANNED AIRCRAFT SYSTEMS - DRONES

A. **Statement of Policy and Application.**

The following policy applies to the extent not preempted by federal or state regulatory jurisdiction regarding unmanned aircrafts.

The School Board recognizes that a small, unmanned aircraft system (commonly known as a “UAS”, “UAV” or “drone”) may be a useful tool to enhance the instructional program and assist with district operations. However, the use of drones also poses unique risks, and potential injury or damage arising from malfunction, operator error, or intentional misuse. In order to avoid disruption and maintain the safety, security, and privacy of students, staff, visitors and neighbors, **drone operation upon or from any District property, or during any school activity or program, is prohibited except as authorized under this policy.**

As used in this policy, “drone” or “UAS” means an aircraft weighing less than 55 pounds that is operated remotely without the possibility of direct human intervention from within or on the aircraft and the associated elements, including communication links and controls, required for the pilot to operate the aircraft safely and efficiently. See, e.g., 14 C.F.R. 107.3 definitions of “unmanned aircraft,” “small unmanned aircraft,” and “small unmanned aircraft system”. Unmanned aircraft exceeding 55 pounds are absolutely prohibited.

This policy has separate provisions for (1) instances where usage/instruction does not implicate compensation, and (2) when the operator, instructor, or other person may receive direct or indirect compensation relating to the drone usage. The first use is permitted under regulations of the Federal Aviation Administration (“FAA”) relative to recreational uses (including educational), and the second use is governed under FAA regulations (known as “Part 107”) pertaining to all other use of drones between .55 lbs (i.e., .25 kg) and 55 lbs. Any use other than recreational will require the drone operator to possess a Remote Pilot Certificate or Certificate of Exemption/Authorization (collectively “RPC/COA operator”) from the FAA.

B. **Rules Applicable to All Drone Usage Over District Property.**

Written permission from the Superintendent or his/her designee is required for any use of a drone upon or from district property, or during any school activity or program. In all instances, it is the responsibility of the drone operator to be aware of, to understand, and to follow all applicable laws, FAA and other regulations, ordinances, School Board policies, and administrative rules. **Any use or operation of a drone on or from District property without express authorization or permission from the Superintendent or his/her designee as provided in this policy shall be deemed a trespass and referred to law enforcement.**

In determining whether to grant permission for the requested use of a drone, the Superintendent or his/her designee shall consider the intended purpose of the activity, anticipated educational opportunities, and/or benefits to District operations. Permission granted by the Superintendent or his/her designee shall be under such terms and conditions as s/he deems appropriate, and may be revoked at any time for violations of applicable laws, regulations, ordinances, policies, District rules, or for any use the Superintendent/designee deems inappropriate. The Superintendent’s decisions under this policy are final.

Without limiting the application of other such laws, regulations, ordinances, policies, or District rules, all drone users on or over District property shall comply with the following:

- 1) Fly only drones that are properly registered with the FAA (until 2023 registration must appear on exterior of drone, and proof of registration must be held by the operator, thereafter, every drone over .25kg will be required to be Remote ID enabled);
- 2) Fly below 400 feet and remain clear of surrounding obstacles;
- 3) Keep the aircraft within the visual line of sight at all times;
- 4) Do not fly in the dark or when weather conditions do not allow for 100% visual line of sight to the drone;
- 5) Remain clear of aircraft and do not interfere with manned aircraft operations;
- 6) Operators (or supervising teacher/employee/volunteer) must determine current restrictions that might apply to the flight location. Such up-to-date restrictions may be found through use of the FAA's free mobile/desktop app: B4UFLY;

https://www.faa.gov/uas/recreational_fliers/

- 7) Do not fly within five miles of an airport without prior approval from the airport;
- 8) Do not fly within the area of an emergency scene (fire, injury, etc.);
- 9) Do not fly over people other than those in the crew associated with drone operation;
- 10) Do not fly over moving vehicles;
- 11) Follow the current NHIAA guidelines and regulations with respect to any NHIAA sanctioned activity;
- 12) Ensure the aircraft is limited to not more than 55 pounds;
- 13) Do not operate or fly a drone indoors;
- 14) Do not use the drone for hunting, fishing or trapping, or to surveil private citizens who are lawfully hunting, fishing or trapping;
- 15) Only use the drone as authorized by the Superintendent or this policy;
- 16) Use of a District-owned UAS is limited to recreational, instructional and educational purposes only;
- 17) Any drone with camera, video, or voice recording capability shall not be used in any manner which infringes on the privacy rights of any other person(s);
- 18) Immediately report any collision or accident involving injury, or damage to any property or injury, to the building principal, Police Department and, if required, to the FAA;
- 19) Use of a drone not in accordance with this policy may result in disciplinary action, or, when applicable, referral to law enforcement; and
- 20) Use of a UAS without following district guidelines, as well as federal and state laws and regulations, may result in disciplinary action or, when applicable, referral to law enforcement.

C. Use of Drones by Students, District Employees, or Volunteers As Part of District Programs or Activities.

The Superintendent or designee may grant permission to students or District employees or approved volunteers for the use of drones as part of a curricular program or co/extra-curricular activity if the planned activity complements instructional or co-curricular activities subject to the provision of this section C.

Under FAA regulations, operation of a drone used for recreational purposes, with no compensation (direct or indirect) for the drone operator or owner falls within the category of hobby or recreational use. The recreational use regulations do not require recreational drone operators to obtain a RPC/COA, nor do they require formal rule waivers for certain operations otherwise restricted under 14 C.F.R. Part 107. However, recreational operators, including any student/employee/volunteer operating a drone who do not hold an RPC must complete any test or exam required by the FAA.^[5]

Student operation of a drone, whether owned by the District or not, is permitted only under the supervision of a district employee or approved volunteer as part of an authorized activity. **Unless a supervising teacher, other district employee or volunteer holds a Remote Pilot Certificate or higher certification (“RPC”) issued by the Federal Aviation Administration, the teacher/employee/volunteer may only use or operate a drone incidental to student use.** Permitted incidental use without an RPC may include, for example, regaining control of the drone following a student’s loss of control. A teacher/employee/volunteer without an RPC may not conduct any full flight demonstration, nor off-site practice flights using a District-owned UAS, since a teacher/employee/volunteer’s use must remain secondary and incidental to the student’s operation of the UAS at the time in order to maintain hobby/recreational status.

When operating a drone from or on District property, the operator and supervising teacher/employee/volunteer must be cognizant of District property boundaries, and operate the drone only within those boundaries.

D. Operators Holding Remote Pilot Certification.

Except as permitted under section C of this policy, only persons who possess an RPC or higher certification may be approved for operation of a drone upon or over District property.

In order to obtain prior approval, and in addition to the requirements of paragraph B, above, the person making the request must complete a form and agreement approved by the Superintendent, which must include at a minimum:

- 1) Information regarding the operator’s RPC or other certificate;
- 2) A full description of the operation requested (e.g., flight location, date and time of the planned flight, anticipated duration, and purpose);
- 3) Whether any photos and/or video are expected to be taken and the nature of those photos and/or video;
- 4) Acknowledgement of understanding that any operator must maintain documentation of their flight mission (an available flight log) that includes where, when, and what the flight mission entailed at the time of the flight;
- 5) Acknowledgement of understanding and applicability of this Policy, and applicable state, federal and local laws, regulations and ordinances; and
- 6) An indemnity provision wherein the operator and/or the operator’s employer agrees to indemnify, defend, and hold harmless the District relative to any property damage or personal injury caused by the drone, or its operation.

The operator shall also provide proof of insurance that meets liability limits as deemed appropriate by the Superintendent.

Legal References:

49 U.S.C. 44101, Operation of Aircraft

49 U.S.C. 44809, Exception for Limited Recreational Operations of Unmanned Aircraft

14 C.F.R. Part 107 –

107.1-107.205, Small unmanned aircraft systems, especially:

107.12, Requirement for a remote pilot certificate with a small UAS rating

107, Subpart B, Operating Rules

107, Subpart C, Remote pilot certification

107, Subpart D, Operations over human beings.

FAA Advisory Circular 91-57B, Exception for Limited Recreational Operations of Unmanned Aircraft, May 31, 2021

FAA Memorandum, Educational Use of Unmanned Aircraft Systems (UAS), May 4, 2016

RSA 207:57, Fish and Game Harassment

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