

## **731.6 – USE OF UNMANNED AIRCRAFT**

For purposes of this policy, an unmanned aircraft, or drone, is defined as any powered, aerial vehicle that does not carry a human operator that (1) when operated outdoors, is subject to federal regulation as an unmanned aircraft, including as a “model aircraft”; or (2) uses aerodynamic forces to provide vehicle lift and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable.

The purchase of any drone using any District funds, including Fund 21 accounts, must be preapproved by the District Administrator.

To the extent that the District has local authority to restrict the operation of drones under applicable state and federal law, no person may operate a drone

1. while such person is present on District property or
2. while the person is present at or participating in any District sponsored event or activity where the District controls access/attendance and has the discretion to permit, deny, or revoke access/attendance based on this drone-related restriction. The prohibition against such drone operations is comprehensive, applying to:
  - Students, employees, volunteers, or agents of the District, as well as to visitors, guests, temporary users of District property or facilities, and other third-party
  - Recreational, commercial, or other drone operations by private persons
  - Planned take-off and planned landing operations

Exceptions:

1. Students and designated guest speakers/demonstrators under the direct supervision of a School District teacher or administrator, with authorization in advance of the activity by the District Administrator in writing, may operate a drone on school property for an educational purpose or other pre-authorized purpose(s) in connection with District work-related responsibilities (e.g. aerial photography);
2. By public safety agencies and their personnel for an authorized governmental purpose.

The Board recognizes that there are limitations under state and federal law on the extent to which the District may regulate or attempt to prohibit the flight of drones or other aircraft over District-controlled property, particularly when the

aircraft is not being operated from District-controlled property or by District students or employees. This policy shall not be interpreted or applied in a manner that exceeds the District's lawful authority. However, the District reserves the full extent of its authority to take reasonable steps to respond to any unauthorized or potentially unlawful operation of a drone.

The District may, for example, take appropriate disciplinary action against students or employees, deny access to District property or to District-sponsored activities, revoke permission to use District property, and/or involve law enforcement or regulatory authorities in response to specific incidents to the extent deemed warranted.

### **Review of Proposals to Allow Students to Operate a Drone for Educational Purpose**

The administrative approval of a proposal for one or more students to operate a drone for educational purposes is a discretionary decision. Such approval must be requested and obtained prior to the proposed operation of a drone.

A proposal seeking administrative approval for one or more students to operate a drone for educational purposes, and in what otherwise appears to be a lawful manner, shall be denied if the proposal would involve any of the following:

- Operation of a drone outdoors before sunrise or after sunset
- Operation of a drone other than in the direct and continuous visual line-of-sight of the operator
- An image being broadcast from a remote location (even from the drone itself) is not, standing alone, a sufficient line-of-sight
- Intent to fly a drone more than 400 feet above ground level
- Operation of a drone weighing 25 pounds or more
- Operations directly above or otherwise unreasonably proximate to any person who is not protected by a cover structure and who is not directly participating in and having their attention primarily focused on the operation of the drone(s). In determining an appropriate distance, judgment must be applied to ensure that the operation of a drone will not pose an undue hazard to such persons, including in the event of a loss of control of the aircraft for any reason
- Operations directly above or otherwise unreasonably proximate to unprotected vehicles (including moving vehicles) or to any structures on

District property that would be vulnerable to unacceptable damage in the event of an accidental collision with the proposed drone

- Operations from, or occurring above, non-District property (including other public property) where permission has not been obtained from the property owner or where the operation would occur directly above, or otherwise unreasonably proximate to, any unprotected person who is not directly participating in the operation of the drone, any unprotected vehicles, or any other property or structures to which the drone would pose an undue hazard
- Operations that would occur without the presence of a District employee or other reasonable adult who was acting as a District-authorized supervisor of the activity and the students

Any drone operations for educational purpose that are authorized by an administrator are automatically subject to all of the above-listed restrictions.

Additional factors that would weigh against the possible approval of a proposal for one more students to operate a drone for educational purpose include the following:

- The primary purpose of the proposed drone operation would be to photograph or otherwise record people (due to both safety and privacy concerns)
- In relation to any proposed outdoor operation of a drone, the administration determines that there is a lack of reasonable clarity as to whether federal requirements for drone registration, marking, and operational authority (including authority for operations by students within a District program) will be satisfied
- The proposed drone is not equipped with propeller guards, although exceptions may be made depending on the size of the drone and other circumstances of the proposed use

Factors that would generally weigh in favor of approval of a proposal for one or more students to operate a drone for educational purpose including the following:

- A clear educational objective for the project or activity has been identified that goes beyond a desire to simply capture images or video of people for creative purposes
- Indoor or outdoor operations are proposed to occur under supervised and

controlled conditions, including in an area that has been specifically and exclusively designated for the flight of the drone(s) and that would be unlikely to be materially damaged in the event of an accidental collision with the drone. An example would be a large field not presently being used for other activities that allows for both room to operate the drone as well as an identified buffer zone

- Operations are proposed to occur in accordance with the applicable safety code(s) of the Academy of Model Aeronautics (or AMA) or a similar organization
- The District is able to confirm that District liability and property damage insurance applies to the proposed student operation of a drone.

### **Responding to the Unauthorized, Dangerous, or Unlawful Operation of a Drone**

If a drone is being operated (or if a person is intending or attempting to operate a drone) on or above District property or in conjunction with the District-sponsored event or activity in a manner that is, or that appears to be, in violation of District policy, inconsistent with any approval given by the District, or in a manner that is

1. careless or reckless,
2. imminently dangerous or damaging to persons or property,
3. materially interfering with how District-controlled property is currently being used,
4. invasive of a person's privacy, or
5. otherwise potentially unlawful, then an administrator or another District employee or authorized agent of the District may take such action as is reasonable to address and alleviate the situation, including any of the following:
  - Identifying the operator of the drone and requesting the person to cease the activity.
  - Temporarily or indefinitely suspending a District activity that is being affected by the operation of the drone.
  - Referring the incident for further administrative or supervisory evaluation and response, including possible disciplinary action.

- If the drone is being operated from District-owned or District-controlled property, informing the operator that the operation of the drone is not authorized and must immediately cease. A person in possession of, operating, or attempting to operate a drone in an unauthorized or unlawful manner maybe denied admittance to or rejected from any property by any administrator or by a designated staff member or other reasonable adult who is acting on behalf of the District as an on-site supervisor at the time of the incident.
- Taking pictures or video of a drone, drone registration number, or drone operations to assist with the documentation of specific concerns.
- Contacting law enforcement or federal regulatory personnel. Contacting local law enforcement can be particularly appropriate whenever there is a concern with trespass, disorderly conduct, reckless conduct, actual injury or actual property damage, privacy violations, or harassment.

*Legal References:*

*Wisconsin Statutes*

*Section 114.04 [lawful flight; flying and landing limitations]*

*Section 114.05 [liability of the owner, lessee, and pilot of an aircraft] Section 114.09(1)(b)2 [careless or reckless operation of an aircraft prohibited]*

*Section 941.292(1) [one statutory definition of drone; limited statutory application]*

*Section 942.10 [prohibited use of a drone to photograph, record, or observe in locations where person has a reasonable expectation of privacy (other criminal laws may also apply)]*

*Federal Law:*

*49 U.S.C. See. Subtitle VII, Part A, Ch. 401 [federal statutes governing the regulation of air commerce and safety; general provisions]*

*49 U.S.C. §40,101 [the notes to the statute refer to Section 333 and Section 336 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112.-95, title III, subtitle B, Feb. 14, 2012)]*

*14 C.F.R. Ch. I [federal aviation regulations; generally]*

*14 C.F.R. Part 48 [federal aviation regulations; registration and marking requirements for small unmanned aircraft]*

*14 C.F.R. Part 107 [federal aviation regulations; operation and certification of*

*small unmanned aircraft systems]*

*Federal Aviation Administration Website [home page for list of regulations, links to regulations, policies, and other significant agency interpretation and guidance related to Unmanned Aircraft Systems]*

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