

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 School Board must give advance approval for the purchase of any drone using any District funds.

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, for example:

1. to students, employees, volunteers, and agents of the District, as well as to visitors, guests, temporary users of District property or facilities, and other third parties;
2. to recreational, commercial, and other drone operations by private persons, including activities that are intended to have an educational purpose; and
3. to planned take-off and planned landing operations.

In addition, no student shall operate a drone while at school, while under the supervision of a school district authority, or in a manner that would otherwise be cause for possible suspension or expulsion from school under the District's statutory disciplinary jurisdiction. District staff shall not operate drones in connection with their work-related responsibilities.

The only exceptions to the prohibitions established in this policy, as stated above, are that drones may be operated (1) by public safety agencies and their personnel for an authorized governmental purpose; or (2) in accordance with any other exception that may be approved in writing and in advance of the activity by the District Administrator (case-by-case discretion and in compliance, safety, privacy, and liability issues).

The Board acknowledges 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.

LEGAL REFERENCES:

Wisconsin Statutes

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| 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] |

School District of Rib Lake

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. Subtitle VII, Part A, Ch. 401 [federal statutes governing the regulation of air commerce and safety; general provisions]
49 U.S.C. § 40101 [the notes to this 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]

ADOPTED: April 13, 2017