

MAINTENANCE OF ORDER

Background

The District is responsible for ensuring the maintenance of order in District schools and property and at District events. The safety of students, employees and others in the school community is paramount, and, to that end, authorized individuals may make orders in accordance with the procedures set out below pursuant to Section 177 of the [School Act](#) to prevent and address any disturbance, disruption or interruption of a school.

Section 177 of the *School Act* addresses the preservation of order on school premises, including ordering a person to leave and calling in police help, if necessary. Section 177 is intended to prevent the disruption of schools and school functions, and to ensure the protection of students and employees. It provides authority to principals and other administrators or designated individuals to ensure the orderly operation of schools and school programs and to ensure the protection of students, employees, and property.

Section 177 creates two offences: (1) it is an offence for a person to “disturb or interrupt the proceedings of a school or an official school function”; and, (2) it creates an offence for failing to follow a direction of a principal, other school administrator or person authorized by the District to direct a person to leave school property, and from returning without prior approval of the principal, administrator or other designate. It also enables the principal or administrator to call for assistance from law enforcement, if necessary.

Orders pursuant to Section 177 may be used in a variety of circumstances, including preventing strangers who present a threat to the safe and efficient operation of a school from accessing school property; addressing circumstances involving disruptive, threatening or unruly parents, students, employees or volunteers; or taking steps to address harassment of parents, students or employees within a school or the school community.

Section 177 orders may be made whether the conduct that is disturbing or interrupting the operation of the school occurs on or off school property. Section 177 orders are not to be made, except in unusual circumstances, without first attempting to remedy the problem with other approaches.

Procedures

1. The following individuals may issue orders pursuant to Section 177 of the [School Act](#):
 - Superintendent;
 - Associate Superintendents;
 - Directors of Instruction;
 - Principals and vice-principals; and,
 - Law enforcement officials designated by the Superintendent (such as school liaison officers).

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2. Orders pursuant to Section 177 of the [School Act](#) may be issued when the actions of an individual:
 - 2.1. Pose a risk to the safety of students, employees or others in the school community; and,
 - 2.2. Present significant and/or ongoing disruption to the operation of a school, a school function or an educational program.
3. Where practicable, before issuing an order pursuant to Section 177, the responsible school administrator is to:
 - 3.1. Attempt to resolve the situation without issuing such an order; and/or,
 - 3.2. Communicate to the Superintendent the intention to issue an order pursuant to Section 177.
4. For clarity, the responsible school Principal/Vice Principal may issue a Section 177 order without first completing the process outlined in 3.1 and 3.2 above, if, in the opinion of the responsible school administrator, it is not practicable to complete the process outlined in 3.1 and 3.2.
5. Where a person refuses to leave District property after being directed to do so pursuant to Section 177, or where there is reason to believe an individual may pose a threat to themselves, others or property, the responsible school administrator shall call for assistance from a peace officer.
6. The responsible school official shall confirm any order issued pursuant to Section 177 in writing, using a *Section 177 Letter Template, Appendix A*. The notice shall include the following:
 - 6.1. The name and address of the school or District property from which the person is to be excluded;
 - 6.2. The name of the person excluded from the school or District property, with the person's contact information, if known;
 - 6.3. A summary of the circumstances giving rise to the issuance of the order, including, as applicable, the date, time and location of any incident or incidents; witnesses to such incidents; and a general statement as to the nature of the disruption to the school, school function or educational program;
 - 6.4. The name and title of the person issuing the order and preparing written notification of it;
 - 6.5. The duration of the order (if applicable);

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- 6.6. The date by which the order will be reviewed; and,
- 6.7. A statement that the order pursuant to Section 177 may be appealed, including the process for such appeal.
- 7. Where an order is issued pursuant to Section 177, an Associate Superintendent shall inform the Superintendent without delay. The Superintendent will retain copies of the Section 177 orders that have been issued within the District.
- 8. An order issued pursuant to Section 177:
 - 8.1. May be appealed within thirty (30) days of its issuance, unless the responsible individual or panel considering the appeal considers that a further period is appropriate;
 - 8.2. Where the order issued pursuant to Section 177 may significantly affect the education, health or safety of a student, the student or the student's parent(s) may appeal the decision, pursuant to Section 11 of the [School Act](#) in accordance with [Board Bylaw 4 Appeals](#);
 - 8.3. Where the order may not significantly affect the education, health or safety of a student, the order may be appealed to the next level of administration issuing the order (an order of a Principal may be appealed to an Associate Superintendent; an order of an Associate Superintendent may be appealed to the Superintendent; an order of the Superintendent may be appealed to the Board);
 - 8.4. An appeal will normally be heard within thirty (30) days of being filed, unless such time limit is extended on reasonable grounds;
 - 8.5. A decision on the appeal shall be rendered in writing, with reasons, within fourteen (14) days of the hearing of the appeal;
 - 8.6. A decision on the appeal is final and may not be appealed further, except as permitted under Section 11 of the [School Act](#).
 - 8.7. The Office of the Superintendent will provide an annual report to the Superintendent on the use of exclusion, based on Section 177, for the purposes of ensuring a safe, orderly and effective educational environment in schools and on District property. The report will provide information consistent with the [Freedom of Information and Protection of Privacy Act](#).

References: [School Act](#) Sections 11, 20, 22, 65, 85, 177
[BC Freedom of Information and Protection of Privacy Act](#)