



SD 10 (Arrow Lakes) District Protocol

Maintenance of Order Protocol- Section 177 of the *School Act*

Overview

The District recognizes the importance of maintaining order on school premises, during school activities, and at school district events, as well the importance of ensuring student and staff safety.

School District 10 is committed to creating and sustaining school environments in which students, staff, parents and others feel safe. To this end, and to maintain order on school premises, authorized individuals may make orders in accordance with the procedures as set out below and pursuant to section 177 of the *School Act*.

Section 177 – *School Act*

Section 177 of the School Act is intended to prevent the disruption of schools and school functions, and to ensure the protection of students and staff. This section allows a principal, vice principal, director of learning or a person as authorized by the board (*designate*) to direct a person to leave school property, and prevents the person from returning without prior approval of the principal, vice principal, director of learning or designate. It also enables the principal, vice principal, director of learning or designate to call for assistance from law enforcement if necessary. If a person contravenes this section of the School Act, he or she commits an offence. The purpose of providing this authority is to maintain order on school premises and to ensure the protection of students and staff.

The full text of section 177 of the School Act is provided below:

Maintenance of order

177 (1)A person must not disturb or interrupt the proceedings of a school or an official school function.

(2)A person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the board to make that direction (a) must immediately leave the land and premises, and (b) must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.

(3)A person who contravenes subsection (1) or (2) commits an offence.

(4)A principal, vice principal, or director of instruction of a school or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.

Section 1 of the School Act defines “school” as follows:

“school” means

- (a) a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction,
- (b) the teachers and other staff members associated with the unit, and

(c) the facilities associated with the unit, and includes a Provincial resource program and a distributed learning school operated by a board.

General

Orders under 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, addressing circumstances involving threatening or disruptive parents, students, staff, community members or volunteers, or taking steps to address harassment within a school.

1. Prohibiting an individual from a school should only occur after other reasonable options to resolve the situation have been considered and/or attempted, and only under the following circumstances:
 - a. A risk to the safety of students, staff, or others in the school exists.
 - b. Significant, continued disruption to the operation of a school is present.
 - c. At the direction of law enforcement officials.

Authority

2. The following individuals may issue orders pursuant to section 177 of the School Act:
 - a. Superintendent of Schools
 - b. Director of Learning
 - c. Principal, Vice Principal
 - d. Law enforcement officials

Procedures

3. Where practicable and before issuing an order pursuant to section 177 the responsible school official should:
 - a. Attempt to resolve the situation without issuing an order.
 - b. Communicate to the Superintendent of Schools or designate, the intention to issue an order.
4. Where a person refuses to leave the school as directed to do so pursuant to section 177, or where there is reason to believe an individual poses a threat to students, staff, others, or to themselves, the school official shall call for assistance from the RCMP.
5. Report the incident to the Superintendent or designate without delay and provide a summary of the circumstances giving rise to the issuance of the order including but not necessarily limited to the following information and by using the Notice of Order Reporting Form (*attached*):
 - a. The date, time and location of the incident(s)
 - b. The name of the individual causing the threat or disruption
 - c. Witnesses to the incident
 - d. A statement as to the nature of the threat or disruption to the operations of the school
6. The responsible school official shall confirm in writing the order issued pursuant to Section 177 of the School Act. Such notice shall include the following information as applicable:
 - a. The name and address of the school, or school district property from which the person is to be prohibited.
 - b. The name of the person prohibited from the school or school district property, with contact information if known.
 - c. 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 the incident, and a general statement as to the nature of the disruption to the operations of the school.

- d. The name and title of the person issuing the order and preparing the written notification of it.
- e. The duration of the order (if applicable).
- f. The date by which the order will be reviewed.
- g. A statement that the order pursuant to Section 177 may be appealed and the process for an appeal.

Appeal

7. An order issued pursuant to Section 177 may be appealed within 30 days of its issuance, unless the official responsible or the panel considering the appeal considers a further appeal period is appropriate.
8. Where the order issued pursuant to Section 177 of the School Act significantly affects 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 SD10's Appeal Bylaw #4.
9. 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 of that issuing the order as follows:
 - a. An order by a school principal or vice principal may be appealed to the Director of Learning.
 - b. An order by the Director of Learning may be appealed to the Superintendent of Schools.
 - c. An order by the Superintendent of Schools may be appealed to the Board of Education of SD10 (Arrow Lakes).
10. An appeal will be heard within thirty business (30) days of being filed, unless such time limit is extended on reasonable grounds.
11. A decision on the appeal shall be rendered in writing, with reasons, within 14 business days of the hearing of the appeal.
12. A decision of the appeal is final and may not be appealed further, except where decisions appealed pursuant to Section 11 may, if permitted by the School Act and Appeals Regulation, be appealed to the Superintendent of Appeals.
13. Any information in relation to Section 177 order will only be collected, used or disclosed in accordance with the provision of the Freedom of Information and Protection of Privacy Act. Such information may be collected to maintain a safe, orderly and effective educational environment at schools and on school district property.

Related Documents

- **School Act s. 17, 18, 20, 22, 23, 65, 85, 177**
- **Board Policy 220 – Inquiries and Concerns**
- **S-08 Safe and Caring Schools**
- **Resolving Your Concerns Brochure**
- **Appeals Bylaw #4**