

# SCHOOL DISTRICT NO. 51 (BOUNDARY)

## P O L I C Y

SECTION	TITLE	NO. 1344
GOVERNANCE/COMMUNICATIONS	<u>Safety of Students &amp; Staff Maintenance of Order, School Act – Section 177</u>	

**DATE ADOPTED:** May 9, 2017

**DATE REVIEWED:** March 13, 2018

The Board of Education is responsible for ensuring the maintenance of order in schools, on school property, and at school district events. The safety of students, staff 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.

### Background

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 of the *School Act* is intended to prevent the disruption of schools and school functions, and to ensure the protection of students and staff. 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, staff and property. This section 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 Board to direct a person to leave school property, and from returning without prior approval of the principal, administrator or other designated person. It also enables the principal or administrator to call for assistance from law enforcement if necessary.

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 learning 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 learning 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 learning 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 learning,
- (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.

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 from accessing school property, addressing circumstances involving disruptive, threatening or unruly parents, students, staff or volunteers or taking steps to address harassment (of parents, students or staff) 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 should not be made except in unusual circumstances without first attempting to remedy the problem with other approaches.

## **Regulations**

1. The following individuals may issue orders pursuant to section 177 of the School Act:
  - a. Superintendent of Schools
  - b. Directors of Learning;
  - c. Principals and Vice Principals; and
  - d. Law enforcement officials designated by the Superintendent (such as School Liaison Officers).
2. Orders under section 177 of the School Act may be issued when the actions of an individual:
  - a. pose a risk to the safety of students, staff or others in the school community;
  - b. 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:
  - a. the responsible school official should first attempt to resolve the situation without issuing such an order; and

- b. should communicate to the Superintendent of Schools or designate the intention to issue an order pursuant to section 177.
4. For clarity, the responsible school official may issue a section 177 order without first completing the process outlined in subsections 3(a) and (b) if in the opinion of the responsible school official, it is not practicable to complete the process outlined in 3(a) and 3(b) in the circumstances.
5. Where a person refuses to leave school 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 to property, the responsible school official shall call for assistance from a peace officer.
6. The responsible school official shall confirm any order issued pursuant to section 177 of the *School Act* in writing. The notice shall include the following:
  - a. The name and address of the school or school district property from which the person is to be excluded;
  - b. The name of the person excluded 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 school, school function or educational program.
  - 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; and
  - g. A statement that the order pursuant to section 177 may be appealed and the process for such appeal.
7. Where an order is issued pursuant to section 177, the responsible school official shall inform the Superintendent of Schools or designate without delay. The Superintendent or designate will retain copies of the section 177 orders that have been issued within the school district.
8. An order issued pursuant to section 177:
  - a. may be appealed within 30 days of its issuance, unless the responsible individual or panel considering the appeal considers a further period is appropriate.
  - b. where the order issued pursuant to section 177 of the School Act 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 the Board's appeal bylaw No. 1 – Appeal Procedure Bylaw.

- c. 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 (i.e., an order of a principal may be appealed to the Director of Learning; or an order of the Director of Learning may be appealed to the Superintendent of Schools; an order of the Superintendent of Schools may be appealed to the Board).
  - d. the board may establish procedures for the conduct of each appeal to ensure fairness and that the excluded individual has the opportunity to fairly respond to the decision to grant the order, including whether the appeal shall be conducted in writing or whether an oral hearing will be granted;
  - e. an appeal will normally be heard within thirty (30) days of being filed, unless such time limit is extended on reasonable grounds;
  - f. A decision on the appeal shall be rendered in writing, with reasons, within 14 days of the hearing of the appeal.
  - g. a decision on the appeal is final and may not be appealed further, except that decisions appealed pursuant to section 11 may, if permitted by the School Act and Appeals Regulation be appealed to the Superintendent of Appeals.
9. Any information in relation to a section 177 order will only be collected, used or disclosed in accordance with the provisions of the Freedom of Information and Protection of Privacy Act. Such information may be collected to:
- a. maintain a safe, orderly and effective educational environment at schools and on school district property, and during all school sanctioned events, either on or off school property.