

# AP 510 PROTECTION OF STUDENTS AND MAINTENANCE ORDER POLICY Document Title #510



## RATIONALE:

Section 177 of the School Act prohibits the disturbance or interruption of school proceedings or official school functions and authorizes principals and other school administrators to direct individuals to leave school property and to call for assistance from a peace officer if necessary. Persons directed to leave school property under this section of the Act may not return without the prior approval of the principal or other administrator.

Boards are responsible for establishing procedures and/or policies regarding the application of section 177 of the School Act within their districts.

## PURPOSE:

The purpose of providing this authority to principals and other administrators is to maintain order on school premises and to ensure the protection of students and staff. Section 177 may be used, for example, to prevent a stranger who presents a threat to student safety from accessing school property. However, there may also be circumstances where persons associated with the school, such as parents, employees, or volunteers, are denied access to school property under section 177.

It is important to note that this section is intended to be used only in exceptional circumstances, where there is a risk to student/staff safety or significant and ongoing disruption to the educational programs offered by the school.

### 1. Persons with Authority to Issue an Exclusion Order

The persons within the school district who have authority to direct individuals to leave school property under this section are superintendents, assistant superintendents, directors or equivalent, principals, and vice-principals.

### 2. Issuing an Exclusion Order

Where practicable, the administrator will provide prior notice to the superintendent or designate of the intention to issue an exclusion order under section 177.

In emergent situations where the administrator determines it is necessary (e.g. the person refuses to leave after being directed to do so and there is reason to be concerned they pose an immediate threat) the administrator may call for assistance from the police and then report the incident to the superintendent or designate.

After consultation with the superintendent or designate the administrator will provide written notification to the excluded person as soon as possible, including reasons for and length of exclusion, date for review, and information about avenues of appeal. This notification will take the form of the template letter provided (Appendix B)

### 3. Documenting the Incident

The administrator is required to document the incident, keep a copy on file at the school and submit a copy of the record to the Board Executive Assistant. Records will be maintained in accordance with retention for requirement of records. The record will include the following information at a minimum:

- a) name of school;
- b) date, time, and location of incident or incidents;
- c) description of incident or incidents (i.e. what happened, who was involved, etc.);
- d) name (and contact information, when possible) of person excluded under section 177;
- e) name of principal or other administrator who directed the person to leave school property;
- f) length of exclusion;
- g) date for review; and
- h) name of person completing document

### 4. Appealing an Exclusion Order

A person who has been issued an exclusion order may respond to the information included in the notification of exclusion and have the appeal heard by the superintendent or designate. That request is to be made in writing within 7 days of receipt of the notice. Requests are to be sent to the office of the superintendent.

If the person is unsatisfied with the superintendent's decision on the appeal, they may appeal to the board in accordance with BYLAW B2706 Appeals.

### 5. School Act

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

#### Maintenance of Order - 177

- 5.1 A person must not disturb or interrupt the proceedings of a school or an official school function.
- 5.2 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
  - 5.2.1 must immediately leave the land and premises, and
  - 5.2.2 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.
- 5.3 A person who contravenes subsection (1) or (2) commits an offence.

5.4 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

1. 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,
2. the teachers and other staff members associated with the unit, and
3. the facilities associated with the unit and includes a Provincial resource program and a distributed learning school operated by a bo

### Sample Section 177 Notice

**BY REGISTERED MAIL**

**PRIVATE & CONFIDENTIAL**

[Date]

[Address]

Dear [name],

Re: Exclusion from the land or premises of [name of school] pursuant to section 177 of the School Act

This letter confirms the circumstances of your exclusion from the land or premises of [name of school] until [date].

On [date] at [time], you were directed to immediately leave the land or premises of the School by [name and title] in accordance with section 177 of the Act (copy enclosed), and you are hereby directed not to return to the land and premises of the School before [date] without the prior approval of [name and title].

You were directed to leave the land or premises of the school for the following reasons:

[insert clear description of the events leading to exclusion, including date and time of incident(s); location of incident(s); individuals Involved; and description of incident(s).]

The exclusion will remain in effect until [date]. The circumstances of the exclusion will be reviewed by [date] and you will be informed in writing of any changes to the terms of the exclusion at that time.

If you have any questions, you may contact me at [contact information].

You have the right to appeal the exclusion. Information regarding the appeal process, including all applicable deadlines, has been enclosed with this letter for your ease of reference.

Yours truly,

[name]

cc: Superintendent of Schools

Enc: School Act s. 177, Appealing an Exclusion Order, Policy #510: Appeals

Links: [School Act s. 17](#)