

British Columbia Ministry of Education

Provincial Guidelines:

Maintenance of Order under section 177 of the *School Act*

The purpose of this document is to provide guidelines for the development of procedures and/or policies respecting section 177 of the *School Act*.

Please note that this document is not intended as legal advice and should not be relied upon for that purpose. Boards of education are responsible for the application of section 177 within their respective districts and are encouraged to seek independent legal advice should circumstances warrant.

Background

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. The contravention of this section of the Act constitutes an offence.

The disruption of schools and school functions has been prohibited by legislation since at least the 1950s. At that time, the *Public Schools Act* authorized school principals to require assistance from a peace officer in restoring order to school property, and provided that individuals who disturbed or interrupted school proceedings committed an offence against the Act. In the 1980s, this provision was amended to add the requirement that persons directed to leave school property must not return without prior approval of a person authorized by the board. This provision has remained essentially unchanged since that time.

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.

Guidelines

Boards are responsible for establishing procedures and/or policies regarding the application of section 177 of the *School Act* within their districts. In order to promote consistency in the application of this section across the province, the Ministry of Education expects all boards to review their procedures and/or policies to ensure that they include the elements set out below.

Section 177 procedures and/or policies should include the following:

1. A plain language explanation of the meaning of section 177, along with the text of this section of the *School Act* itself (please see Appendix).
2. A general statement that exclusion orders may be issued in circumstances where the school district determines that a person's actions:
 - pose a risk to the safety of students, staff or others in the school community, or
 - present significant and ongoing disruption to the educational programs offered by the school.
3. Identification of those persons within the school district who have authority to direct individuals to leave school property under this section. These should be limited to superintendents, assistant superintendents, directors or equivalent, principals, and vice-principals.
4. Procedures to be followed when a person is excluded from school property under section 177. Among other things, these include procedures for administrators to:
 - Where practicable, provide prior notice to the superintendent or assistant superintendent of the intention to issue an exclusion order under section 177.

- Call for assistance from the police if the administrator determines this is necessary (e.g. the person refuses to leave after being directed to do so or if there is reason to be concerned about a threat from the individual).
- Report the incident to the superintendent or designate.
- 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 (boards may wish to develop a template letter for use by school administrators).
- Document the incident, including the following information at a minimum:
 - name of school;
 - date, time, and location of incident or incidents;
 - description of incident or incidents (i.e. what happened, who was involved, etc.);
 - name (and contact information, when possible) of person excluded under section 177;
 - name of principal or other administrator who directed the person to leave school property;
 - length of exclusion;
 - date for review; and
 - name of person completing document.

5. A process for appealing exclusions under section 177, including the following elements:

- Clear timelines for filing formal appeals.
- Opportunity for the excluded person to respond to the information included in the notification of exclusion.
- Requirements that appeals be heard by someone other than the original decision maker. (For example, a person excluded under section 177 by a school principal or vice-principal may appeal that decision to the district superintendent. If the person is unsatisfied with the superintendent's decision, he or she may appeal to the board).

- Clear timelines for rendering appeal decisions.
- Requirements that appeal decisions be communicated in writing and provide reasons.

In some cases, an appeal of an exclusion under section 177 could be heard through a section 11 appeal, where a decision of a board employee significantly affects the education, health or safety of a student

6. Procedures for ensuring the protection of personal information collected in relation to a section 177 exclusion, in accordance with the *Freedom of Information and Protection of Privacy Act*.

It is expected that all districts ensure section 177 procedures and/or policies are publicly available and clearly communicated to all school and district administrators as well as local partners, including school and district parent advisory councils. Districts are also encouraged to liaise with local law enforcement agencies to ensure that there is a shared understanding of the respective roles of school districts and law enforcement in section 177 processes.

It is also expected that school districts establish a system for recording and tracking the use of section 177 at the school and district levels.

The Ministry wishes to thank the following organizations for their assistance in the development of these guidelines: BC School Trustees Association, BC Confederation of Parent Advisory Councils, BC Principals' and Vice Principals' Association, BC School Superintendents Association, BC Teachers' Federation, and the Canadian Union of Public Employees.

Appendix: Example of plain language explanation of section 177

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 the principal or other school administrator to direct a person to leave school property, and prevents the person from returning without prior approval of the principal or administrator. It also enables the principal or administrator 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 to principals and other administrators 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.