

Administrative Procedure 328 – Protection of Students and Maintenance of Order

AP 328 – Protection of Students and Maintenance of Order

Under Section 177 of the *School Act*

Purpose

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 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.

Procedure

The following procedures refer to unwelcome visitors to the school and any school function including, but not limited to, sports events, dances, and performances.

- Any person who is in the school building without a legitimate purpose or who is disrupting or interrupting the proceedings of a school or school function, may be asked to leave. *That request must be made before the RCMP are called.*
- Wherever possible, the principal or vice-principal should be the person who directs the visitor to leave the building or grounds, and a witness to the request should be present whenever possible.
- An employee who encounters an unwelcome visitor should notify the school administration. The employee should direct the visitor to leave only if the principal or his or her delegate is not available. A witness should be present whenever possible.
- The person who makes the request that the visitor leave shall document the request showing the date, time, reason and the name of the witness. Copies shall be filed in the school office and at the superintendent's office.
- The person directed to leave should be told that they may not return. He or she should not be interviewed by any school personnel as this may constitute a violation of their rights.
- If the visitor refuses to leave, the RCMP should be called for assistance.
- If the visitor is or appears likely to be violent, the RCMP should be contacted at once.

Section 177 exclusion orders may be issued in circumstances where a person of authority with 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.

Those persons within the school district who have authority to direct individuals to leave school property under the terms of section 177 of the School Act within School District 68 are:

- Superintendent
- Assistant Superintendents
- Directors or Managers
- Principals and Vice-Principals

Procedures to be followed when a person is excluded from school property under section 177 of the School Act:

- Where practicable, provide prior notice to the superintendent or assistant superintendent of the intention to issue an exclusion order under section 177.
- If necessary, call for assistance from the RCMP if 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, assistant 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;
 - means of delivering the exclusion order letter
 - RCMP file number for the incident (if a file was opened by the RCMP) and name of the attending officer
 - date for review; and
 - name of person completing document.
- Submit a copy of this report to the superintendent's office.
- File a Schools Protection Program incident report.

Process for appealing an exclusion order issued under the terms of section 177 of the School Act:

An individual who receives an exclusion order may appeal that decision through the process outlined in the Board's Administrative Procedure 325 - Appeals.

The School District is subject to the Freedom of Information and Protection of Privacy Act. Accordingly, Complaint documentation may be subject to access and disclosure under this legislation. For more information see the School District's Administrative Procedure 325 at www.sd68.bc.ca.

Adopted: August 26, 1981

Amended: January 2017

References: *The School Act*: Section 177, Administrative Procedures 325: Appeals, Board Governance: 4.0 Bylaws

AP 328 – Protection of Students and Maintenance of Order

Notice of Service and Intention

Service of this document to you today provides notice forthwith that you shall immediately leave the land and premises herein described and not enter on the land and premises again. 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. Should you re-enter the described lands and premises, a Report to Crown Counsel may be submitted proposing a prosecution against you. If you are prosecuted, this notice will be entered as evidence at your trial.

For more details on the application of this notice, relevant policy, and how to appeal, you may contact the School Board 68 Administration office for more information.

This notice is effective immediately, and shall be in force until 11:59pm on

_____ day of _____, 20_____

Dated this _____ day of _____, 20 ____ at Nanaimo, British Columbia.

Excluded Person's Signature

Signature of Authorized Person

Parent or Guardian's Name (if the excluded person is under age 18):

Parent or Guardian's contact phone # (if the excluded person is under 18): -

An individual, or Parent/Guardian if the person is under age 18, who receives an exclusion order may appeal that decision through the process outlined in the Board's Administrative Procedure 325 - Appeals.

Certificate of Service

I, _____ (name), an authorized person pursuant to the School Act of British Columbia, certify that on _____ (date), I served the excluded person named above with a true copy of this "Exclusion Order by delivering it to him/her personally.

Signature of Person Serving

Date Signed



Administrative Procedure 328 – Protection of Students and Maintenance of Order

Report to the Superintendent

Report on Issuance of an Exclusion Order Maintenance of Order, Section 177

Name and Address of School:

Name of principal or administrator issuing exclusion order:

Contact information of person excluded under Section 177:

Name:

Mailing address:

Phone number(s):

Email Address:

Date, time and location of incident or incidents resulting in the exclusion order:

Description of incident or incidents (what happened, who was involved, results/affects, etc.):

Length of exclusion:

Date official notification sent:

Date of review: