

MAINTENANCE OF ORDER

Background

Section 177 of the *School Act* is intended to preserve order on school premises, prevent the disruption of schools and school functions, and to ensure the protection of students and staff. This section allows authorized district personnel to direct a person to leave school district property and prevents the person from returning without prior approval. It also enables authorized personnel 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.

This section creates two offences according to the School Act:

- It is an offence for a person to “disturb or interrupt the proceedings of a school or an official school function”, and
- It creates an offence for failing to follow a direction of a Principal, other school administrator or person authorized by the District 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 purpose of providing this authority to district personnel, 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 at the end of this and its accompanying letter template:

Maintenance of Order 177 – From School Act of British Columbia

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.*

Additionally, 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*

Guidelines

1. 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 are not to be made except in unusual circumstances without first attempting to remedy the problem with other approaches.
2. The following individuals are authorized to direct others to leave school/district property under this section:
 - Superintendent
 - Secretary Treasurer/Assistant Secretary Treasurer
 - Assistant Superintendent
 - Director/Associate/Assistant Director
 - District Principal
 - Principal/Vice-Principal or designate, i.e., teacher in charge
3. Orders under section 177 of the School Act may be issued when the actions of an individual:
 - 3.1 Pose a risk to the safety of students, staff or others in the school community.
 - 3.2 Present a significant and/or ongoing disruption to the operation of a school, a school function, or an educational program.
4. Procedures for Issuance
 - 4.1 Where practical, before issuing an order pursuant to Section 177:
 - 4.1.1. The responsible school official is first to attempt to resolve the situation without issuing such an order.
 - 4.1.2. Is to consult with an Assistant Superintendent or the Superintendent on the intention to issue an order pursuant to Section 177.
 - 4.2 Use the district template letter (provided below) to 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. For clarity, the responsible school official may issue a Section 177 order without first completing the process outlined in clauses if in the opinion of the responsible school official, it is not practicable to complete the process outlined above.
 - 4.3 The school or district official shall 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; (not to exceed one year; and
 - name of person completing document.
 - 4.4 The school official shall send all completed Section 177 letters to the Zone Assistant Superintendent.

- 4.5 The school official shall establish a procedure to track Section 177 letters at all sites.
An order issued pursuant to Section 177:
- 4.5.1 May be appealed within 30 days of its issuance, unless the responsible individual or panel considering the appeal considers a further period is appropriate.
 - 4.5.2 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 [Policy 13](#) – Appeals regarding student matters.
 - 4.5.3 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 a Assistant Superintendent; an order of an Assistant Superintendent may be appealed to the Superintendent or designate).
 - 4.5.4 A decision on the appeal is final and may not be appealed further, except those decisions appealed pursuant to Section 11 of the School Act may, if permitted by the school Act and Appeals Regulation be appealed to the Superintendent of Appeals.

Reference: Section 177, School Act
Last reviewed: January 2022

Att:
Section 177-Adult
Section 177-Student