

**School District #62 (Sooke)**

<b>MAINTENANCE OF ORDER</b>	No.: C-432
	Effective: Apr. 25/17 Revised: Dec. 15/20 Reviewed: Dec. 5/16; Oct. 6/20; Oct. 27/20; Dec. 1/20; Dec. 15/20

**ADMINISTRATIVE REGULATIONS**

The Board of Education supports that the Superintendent, Associate Superintendent(s), Director(s) of Instruction, Principals and Vice Principals have the authority to put in place an exclusion order 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
- presents a significant and ongoing disruption to the operation of a school, school function, or educational program offered by the school.

The following procedures will be used when an exclusion order for an individual is deemed necessary:

- Where practicable, provide prior notice to the Superintendent or Associate Superintendent of the intention to issue an exclusion order under Section 177 of the *School Act*.
- Call for assistance from the police if the administrator determines this is necessary.
- 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.

Document the incident, including the following information:

- Name and address of school or school facility building;
- Name, date of birth and address of the individual named in the Exclusion Order;
- Date, time and location of incident or incidents;
- Description of incident or incidents (i.e. what happened, when, who was involved);
- Name of Principal or other authorized staff member who directed the person to leave school or district property;
- Length of exclusion;
- The date by which the exclusion order will be reviewed;
- Name of person completing the document.

***Policy References:***

*Policy: C-350 Appeals*

*By-law 1-08 Parent Student Appeals*

***Legislation:***

*School Act Section 177*

*Freedom of Information and Protection of Privacy Act*

If an appeal is considered by the excluded person, the following process will be followed:

- The written appeal will be considered no more than 30 calendar days following the date of service indicated on the Maintenance Order; there will be an opportunity for the excluded person to respond to the information included in the notification of exclusion; the appeal will be heard by the Superintendent or designate; a decision of the appeal will be communicated in writing, with reasons for the decision, to the excluded person within 30 days of the appeal date. If the excluded person is unsatisfied with the Superintendent's decision, they may appeal to the Board.

Any personal information collected in relation to a Section 177 exclusion will be dealt with in accordance with the *Freedom of Information and Protection of Privacy Act* and will be kept in a confidential file at the School District office. The district privacy officer will record and track the use of Section 177 at the school and district levels.

***Policy References:***

*Policy: C-350 Appeals*

*By-law 1-08 Parent Student Appeals*

***Legislation:***

*School Act Section 177*

*Freedom of Information and Protection of Privacy Act*

## **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 authorized staff to direct a person to leave school property and prevents the person from returning without prior approval of the Principal or authorized staff. It also enables the Principal or authorized staff to call for assistance from law enforcement if necessary. Any person contravening this section of the *School Act* is committing an offence. The purpose of providing this authority to Principals and other authorized staff 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 (including buses) associated with the unit and includes a Provincial resource program and a distributed learning school operated by a Board.

### **Policy References:**

*Policy: C-350 Appeals*

*By-law 1-08 Parent Student Appeals*

### **Legislation:**

*School Act Section 177*

*Freedom of Information and Protection of Privacy Act*

**This letter to be written on school letterhead or School District letterhead**

Date: preparation date of document

Address of excluded individual

Dear: Name of excluded individual      DOB: date of birth of excluded individual

**EXPIRY DATE:**

**Synopsis:** The details of the events that led to the exclusion

**Re: Sooke School District #62**

This letter is formal notification and direction that you are not permitted on the land or buildings which comprise the Sooke School District and you are directed not to enter these facilities. This action is taken under the authority of Section 177 of the *School Act*, R.S.B.C., 1996, ch. 412 as amended.

Section 177 of the *School Act* states:

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.

This written direction is in accordance with Section 177 of the *School Act*.

If you enter any of the land and/or building(s) owned or operated by the Sooke School District in the future, you will be in contravention of Section 177(2) of the *School Act*. Such contravention constitutes an offence under the *Offence Act*. Sections 4 and 5 of the *Offence Act* state:

General penalty

4.        Unless otherwise specifically provided in an enactment, a person who is convicted of an offence is liable to a fine of not more than \$2,000 or to imprisonment for not more than 6 months, or to both.

**Policy References:**

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

**Legislation:**

School Act Section 177

Freedom of Information and Protection of Privacy Act

General offence

5. A person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence against the enactment.

Please be advised that if you enter any Sooke School District land or building(s) I will refer your attendance to the RCMP and will request that charges be laid against you.

“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 (including buses) associated with the unit and includes a Provincial resource program and a distributed learning school operated by a Board.

Appeal Process:

The written appeal will be considered no more than 30 calendar days following the date of service indicated on the Maintenance Order; there will be an opportunity for the excluded person to respond to the information included in the notification of exclusion; the appeal will be heard by the Superintendent or designate; a decision of the appeal will be communicated in writing, with reasons for the decision, to the excluded person within 30 days of the appeal date. If the excluded person is unsatisfied with the Superintendent’s or designate’s decision, he or she may appeal to the Board.

Yours truly,

\_\_\_\_\_  
Name of the individual submitting the 177 (i.e. Vice Principal or Principal)

Signed \_\_\_\_\_

Date and time of service: \_\_\_\_\_

\_\_\_\_\_  
Name of excluded individual  
Recipient of Section 177

**Policy References:**

*Policy: C-350 Appeals*

*By-law 1-08 Parent Student Appeals*

**Legislation:**

*School Act Section 177*

*Freedom of Information and Protection of Privacy Act*