

AP 220.1: Maintenance of Order

1. Where practicable, before issuing an order pursuant to Section 177 of the School Act:
 - 1.1. The responsible school official should first attempt to resolve the situation without issuing such an order; and
 - 1.2. Should communicate to the Superintendent of Schools or designate the intention to issue an order pursuant to Section 177 of the School Act.
2. For clarity, the responsible school official may issue a Section 177 order without first completing the process outlined in subsections 1(a) and (b) of these regulations if in the opinion of the responsible school official, it is not practicable to complete the process outlined in 1(a) and 1(b) in the circumstances.
3. Where a person refuses to leave school district property after being directed to do so pursuant to Section 177, or where there is reason to believe an individual may pose a threat to themselves, others or to property, the responsible school official shall call for assistance from a peace officer.
4. The responsible school official shall confirm any order issued pursuant to Section 177 of the School Act in writing. The notice shall include the following:
 - 4.1. The name and address of the school or school district property from which the person is to be excluded;
 - 4.2. The name of the person excluded from the school or school district property, with contact information if known;
 - 4.3. A summary of the circumstances giving rise to the issuance of the order, including, as applicable, the date, time and location of any incident or incidents, witnesses to the incident, and a general statement as to the nature of the disruption to the school, school function or educational program;
 - 4.4. The name and title of the person issuing the order and preparing the written notification of it;
 - 4.5. The duration of the order (if applicable);
 - 4.6. The date by which the order will be reviewed; and
 - 4.7. A statement that the order pursuant to Section 177 may be appealed and the process for such appeal.
5. Where an order is issued pursuant to Section 177, the responsible school official shall inform the Superintendent of Schools or designate without delay. The Superintendent or designate will retain copies of the Section 177 orders that have been issued within the school district.
6. An order issued pursuant to Section 177:

- 6.1. May be appealed within 30 days of its issuance, unless the responsible individual or panel considering the appeal considers a further appeal period is appropriate.
- 6.2. 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 School District #8 (Kootenay Lake) appeal Bylaw #1 Student/Parent Appeal.
- 6.3. 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 director of instruction; an order of an assistant superintendent may be appealed to the Superintendent of Schools; an order the Superintendent of Schools may be appealed to the Board of Education of SD#8 (Kootenay Lake).
- 6.4. The Board of Education of SD#8 (Kootenay Lake) may establish procedures for the conduct of each appeal to ensure fairness and that the excluded individual has the opportunity to fairly respond to the decision to grant the order, including whether the appeal shall be conducted in writing or whether an oral hearing will be granted.
- 6.5. An appeal will normally be heard within thirty (30) days of being filed, unless such time limit is extended on reasonable grounds.
- 6.6. A decision on the appeal shall be rendered in writing, with reasons, within 14 days of the hearing of the appeal.
- 6.7. A decision of the appeal is final and may not be appealed further, except that decisions appealed pursuant to Section 11 may, if permitted by the School Act and Appeals Regulation to appealed to the Superintendent of Appeals.
7. Any information in relation to Section 177 order will only be collected, used or disclosed in accordance with the provision of the Freedom of Information and Protection of Privacy Act. Such information may be collected to maintain a safe, orderly and effective educational environment at schools and on school district property.