



REGULATION: Access to School Premises

REFERENCE NO: R-AD-54

The Greater Essex County District School Board supports schools in creating and maintaining an environment which is safe and welcoming for pupils, staff, and the school community.

In order to provide a safe school environment for pupils, staff, and authorized visitors, access to board property and facilities shall be regulated in accordance with the *Education Act, Ontario Reg 472/07 – Behaviour, Discipline and Safety of Pupils (Mitigating and Other Factors)*,

Access to School Premises is made under the *Education Act*, the *Trespass to Property Act*, and policies, regulations, and procedures established by the Board.

Those who have committed an offence can be charged under the *Education Act*. Upon conviction, the fine carries a maximum penalty of \$5000.00. Those who have committed an offence can also be charged under the *Trespass to Property Act*. Upon conviction, the fine carries a maximum penalty of \$2000.00.

- a) The Greater Essex County District School Board enforces access to school and Board property through its administrative procedures and guidelines through rights legislated in the *Education Act*, Principals, Vice-Principals, Superintendents and other persons in authority are empowered to make and enforce decisions regarding access to school or Board property by virtue of the following legislative provisions.

The Education Amendment Act (Progressive Discipline and School Safety), 2007, s. 302 **“(4) A** board may establish policies and guidelines governing access to school premises, and the policies and guidelines must be consistent with the regulations made under Section 305 and must address such matters and include such requirements as the Minister may specify.”

The Education Amendment Act (Keeping Our Kids Safe at School), 2009, s. 302(0.1)

“Every Board shall establish policies and guidelines with respect to delegation by Principals, under Section 300.1, of their powers, duties or functions under this part and the policies and guidelines must be consistent with the policies and guidelines established by the Minister under Section 301, and must address such matters and include such requirements as the Minister may specify...”; and

The Education Act s. 265(1)(m)

“It is the duty of a Principal of a school, in addition to the Principal’s duties as a teacher,

- (m) access to school or class – subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the Principal's judgment be detrimental to the physical or mental well-being of the pupils..."
- b) Principals, as guided by the legislation, have the authority to determine who has access to the school/school property/activities and school-sponsored events, and to determine time-frames for such access. It is expected that persons limit their access to the areas and/or times defined by each school Principal. Limitations to such access are as defined in the legislation the *Education Act*, s. 265(1)(m), the *Education Amendment Act (Progressive Discipline and School Safety)*, 2007, s. 305 (2), (3), (4), (5), the *Education Amendment Act (Keeping Our Kids Safe at School)*, 2009, ss. 301(0.1) and O. Reg. 474/00 (Access to School Premises) - 3 (1), (2), (3), (4).
- c) Schools shall have signs posted at the main entrance to the school advising visitors to report their presence to the office and sign in using the visitor's log book.
- d) Visitors are required to report their presence to the administrative staff at the school office and follow all procedures for visitors as outlined by individual schools. All Board personnel in the school who are not regularly employed at that location are required to wear Board supplied identification badges.
- e) Groups or individuals who are authorized to rent or use school/Board facilities must confine their activities to the facilities allotted to the organization.
- f) It is the responsibility of all school staff to notify the Principal of the presence of unauthorized persons.
- g) Persons who are requested to leave the school or premises shall do so immediately.
- h) Access to school or Board property is permitted or denied according to the provisions of O. Reg. 471/07. According to the provisions of the *Education Amendment Act (Progressive Discipline and School Safety)*, 2007, the *Education Amendment Act (Keeping Our Kids Safe at School)*, 2009, Ontario Regulation 474/00- Access to School Premises made under the *Education Act*, the *Trespass to Property Act*, Bill 13, *Accepting Schools Act*, 2012 and policies, regulations, and procedures established by the Board.

Pursuant to s. 2(1) of Ontario Regulation 474/00, the following persons are permitted to be on school premises when the premises are being used for a purpose authorized by the board:

1. A person enrolled as a pupil in the school.
2. A parent or guardian of such a pupil.
3. A person employed or retained by the board.
4. A person who is otherwise on the premises for a lawful purpose.

- (2) A person who is invited to attend an event, a class or a meeting on school premises is permitted to be on the premises for that purpose.
 - (3) A person who is invited onto the school premises for a particular purpose by the Principal, a Vice-Principals or other person authorized by board policy to do so is permitted to be on the premises for that purpose.
 - (4) Subsection (1), (2) or (3) above does not entitle a person to have access to all areas of the school premises.
 - (5) Subsection (1) above does not restrict the right of the board to lock the school premises when the premises are not being used for a purpose authorized by the board.
3. (1) A person is not permitted to remain on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises, in the judgment of the Principal, a Vice-Principal or another person authorized by the board to make such a determination.
- (2) A person is not permitted to remain on school premises if a policy of the board requires the person to report his or her presence on the premises in a specified manner and the person fails to do so.
- (Exception)
- (3) Subsections (1) and (2) do not apply to a pupil enrolled in the school or to a pupil attending a program for suspended or expelled pupils that is located on the school premises;
- i) Access to school or Board property shall also follow the provisions of the *Education Amendment Act (Progressive Discipline and School Safety), 2007, Accepting Schools Act, 2012.*

Education Amendment Act. (Progressive Discipline and School Safety), 2007 s. 305

- (1) "The Minister may make regulations governing access to school premises, specifying classes of persons who are permitted to be on school premises and specifying the days and times at which different classes of persons are prohibited from being on school premises.
- (2) No person shall enter or remain on school premises unless he or she is authorized by regulation to be there on that day or at that time.
- (3) A person shall not enter or remain on school premises if he or she is prohibited under a board policy from being there on that day or at that time.

- (4) The Principal of a school may direct a person to leave the school premises if the Principal believes that the person is prohibited by regulation or under a board policy from being there.
- (5) Every person who contravenes subsection (2) is guilty of an offence.”

Education Amendment Act (Keeping Our Kids Safe at School), 2009 s. 302(0.1)

“Every board shall establish policies and guidelines with respect to delegation by Principals, under s. 300.1 of their powers, duties or functions under this Part and the policies and guidelines must be consistent with the policies and guidelines established by the Minister under s. 301, and must address such matters and include such requirements as the Minister may specify.”

- j) Notwithstanding the legislation, Principals, and/or other school board administrators have the authority to:
 - (i) prohibit individuals from specific school or Board-sponsored events/activities;
 - (ii) restrict access of individuals to specific areas of school or Board premises;
 - (iii) deny access of individuals from specific school or Board premises, and/or school or Board-sponsored activities/events.
- k) Pupils on suspension or expulsion are not permitted to appear on any Board property or at any Board event without prior written authorization by his/her Principal unless the pupil is attending a program for suspended or expelled pupils that is located on the school premises (s. 3(3) of Ontario Regulation 474/00).
- l) Access to and trespass on school or Board property shall also follow the provisions of the *Trespass to Property Act*, [R.S.O. 1990, c. T.21.]

“1. (2) A school board has all the rights and duties of an occupier in respect of its school sites as defined in the Education Act (Trespass to Property Act, R.S.O. 1990, c. T. 21, s. 1 (2)).

2. (1) Every person who is not acting under a right or authority conferred by law and who:

- (a) without the express permission of the occupier, the proof of which rests on the defendant,
 - (i) enters on premises when entry is prohibited under this Act, or
 - (ii) engages in an activity on premises when the activity is prohibited under this Act; or,
- (b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 *Trespass to Property Act*, R.S.O. 1990, c. T. 21, s. 2 (1).”