Greater Essex County District School Board

Title: Access to School Premises
Category: Regulation
Department: Student Well-Being
Responsibility: Superintendent of Student Well-Being (Safe Schools, Healthy Schools, Mental Health)
Effective Date: June 7, 2011
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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, R.S.O 1990, c. E-2 (as amended from time to time), Ontario Regulation 474/00 Access to school Premises made under the Education Act, the Trespass to Property Act, R.S.O. 1990. c. T.21 and policies, regulations, and procedures established by the Board.

This regulation is made pursuant to the Board Safe Schools Policy P-AD-16 and section 302(4) of the Education Act.

The Greater Essex County District School Board Safe Schools Policy P-AD-16 and section 302(4) of the Education Act.

a) The Greater Essex County District School Board regulates access to school and Board property through this regulation and its administrative procedures and guidelines. The Education Act grants Principals, Vice-Principals, Superintendents and other persons in authority the power to make and enforce decisions regarding access to school or Board property by virtue of the following legislative provisions:

   The Education Act, s.305:
   "(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 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."

   Access to School Premises, O. Reg. 474/00, s. 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 judgement 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 in a specified manner and the person fails to do so.

(3) Subsection (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."

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 judgement be detrimental to the physical or mental well-being of the pupils…"

The Education Act, s. 300.1(1)

"A principal of a school may delegate in writing any of his or her powers, duties or functions under this part to,

(a) A vice-principal of the school;

(b) A teacher employed in the school

…(2) a teacher who is not a vice-principal may only act under a delegation under this section if the principal or vice-principal of the school are absent from the school."

Delegations must be consistent with any policies and regulations of the Board or the Minister regarding delegations (s.300.1(4)).

b) Access to school or Board property is permitted or denied according to the Education Act (as amended from time to time), O. Reg. 474/00 – Access to School Premises, the Trespass to Property Act and policies, regulations and procedures established by the Board. Principals as guided by the legislation, have the authority to regulate access to the school/school property/activities and school-sponsored events, and to determine time-frames for such access. It is expected that a persons limit their access to the areas and/or times defined by each school Principal. Limitations to such access are defined in the Education Act, s.265(1)(m), 301 (5.1), 302 (0.1) and O. Reg. 474/00 – (Access to School Premises) as follows:

I. 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 the purpose authorized by the board:

1. A person enrolled as a pupil of the school,
2. A parent/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, for example, to attend a meeting.

The permission to be on the school's premises does not entitle a person listed above to have access to all areas of the school premises and does not prevent the board from locking the school premises when they are not being used for a purpose authorized by the Board.

II. In addition, 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 (s.2(2)) and a person who is invited onto the school premises for a particular purpose by the Principal, a Vice-Principal or other person authorized by board policy to do so is permitted to be on the premises for that purpose (s.2(3)). The invitation to the school premises does not entitle that person to have access to all areas to the school premises (s.2(4)).

c) The Principal, vice-principal or their designate, may determine that a person is not permitted to remain on the school premises if the principal, vice-principal or designates judgement, that person's presence is detrimental to the safety or well-being or a person on the premises. This does not apply to students enrolled in the school or students attending a program for expelled or suspended pupils at the school.

d) 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 from specific school or Board Premises;
   iii. Deny access of individuals from specific school or Board premises and/or school or Board-sponsored activities/events.

e) Failure of a visitor (not a student) to report his or her presence in the manner set out below will result in that person not being permitted to remain on school premises.
   i. 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.
   ii. 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.

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) Groups or individuals who are authorized to rent or use school/Board facilities must confine their activities to the facilities allotted to the group or individual.

i) The Trespass to Property Act, - R.S.O 1990, c. T.21. also applies to the school board property:

"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

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 the 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 - $10,000"

j. Those who have committed an offence may be charged under the Education Act. Upon conviction, the fine carries a maximum penalty of $5,000.00. Those who have committed an offence may also be charged under the Trespass to Property Act. Upon conviction, the fine carries a maximum penalty of $10,000.00

k. A principal may issue a Trespass to Property letter, advising an individual that they are not permitted to access school property, in consultation with the Superintendent of Schools.