



ADMINISTRATIVE GUIDELINE

Safe Schools: Access to School Premises

Effective Date: March 27, 2017

Revised Date: April 23, 2019

Responsibility: Superintendent of Safe Schools

RATIONALE

The Near North District School Board believes that a school is only as strong as the link it forms with its community. In the process of forging links with its many partners, the school staff members provide access to the premises for many individuals who fulfill a variety of roles. Expectations for individuals are outlined in such documents as the “Safe Schools” series of administrative guidelines in order to ensure the creation of safe environments for staff and students. The Ontario government has introduced a regulation that addresses access to school premises and this administrative guideline provides an overview of the implications of that regulation for Near North schools. The Board supports the Principal of the school in controlling access to the school and its components parts.

1.0 ACCESS TO SCHOOL PREMISES

- 1.1 Persons who are on school premises without being authorized by the provincial regulation, “Access to School Premises,” have committed an offence and can be charged under the Education Act (s. 305).
- 1.2 Persons who are permitted on school premises include:
 - 1.2.1 students enrolled in the school,
 - 1.2.2 parents/guardians of students enrolled in the school,
 - 1.2.3 persons employed or retained by the Board,
 - 1.2.4 persons engaged in lawful purposes (e.g., deliveries, voting and other purposes authorized by the Board), and
 - 1.2.5 persons invited by the principal to the premises for a purpose or an event who are on the premises for that purpose or event.
- 1.3 Authority to be on school premises does not entitle a person to have access to all areas of the school premises. The Principal shall inform groups or individuals using the school about the specific school restrictions and/or permissions.
- 1.4 Boards have the authority to lock the school premises when the premises are not being used for a purpose authorized by the Board.
- 1.5 Despite being an authorized person to be on school premises, if, in the judgement of the principal, that authorized person’s presence is considered to be detrimental

to the safety or well-being of another person on the premises, the authorized person may be asked to leave the premises. This does not apply to a student enrolled in the school or to a student attending a program for suspended, expelled students that is located on the school premises.

- 1.6 Schools will require school visitors to report their presence on the premises in a specified manner. A person is not permitted to remain on school premises if that person fails to report as required. This does not apply to a student enrolled in the school or to a student attending a program for suspended or expelled students that is located on the school premises.
- 1.7 The school principal will develop a plan for communicating the above information regarding access to schools and school premises in each school year. This plan will include the posting of appropriate signs that conform with standards to be developed board-wide to meet health and safety as well as access to school premises expectations. The plan may also include the use of newsletters for communicating with the school community and the distribution of this guideline and/or edited copies of it with the addition of information specific to that school.
- 1.8 The school principal may provide notice prior to contacting the police to enhance the possibility that the unauthorized person may leave the premises without the necessity of charges being laid.
- 1.9 Persons have a constitutional right to access polling stations at the school during an election.

2.0 ACCESS BY SUSPENDED AND EXPELLED STUDENTS

Suspended and expelled students are denied access to school board premises as a condition of their suspension or expulsion. The principal may deem that such students are not a threat to the safety or well-being of a person on the school premises and allow access to a public facility on the school premises for a lawful purpose (e.g., using a public library). Students attending a program for suspended or expelled students that is located on the school premises do have the right of access to school premises.

3.0 RELATIONSHIP TO THE TRESPASS TO PROPERTY ACT

Principals may use either the Access to School Premises regulation or the Trespass to Property Act as appropriate to the circumstances.

| Detail | Access to School Premises | Trespass to Property Act |
|-------------|--|---|
| Coverage | The regulation governs access to school premises. | The Trespass to Property Act governs more than just access to schools. |
| Enforcement | A police officer would enforce the regulation. | A police officer would enforce the Act. The Principal or Vice Principal have the power to enforce this Act. |
| Fines | The maximum fine is \$5,000. | The maximum fine is \$2,000. |
| Signage | The regulation does not require notice or signage. | Notice or signage is required. |

Trespass Offences

- (a) Everyone who is not acting under a right or authority conferred by law and who:
- (i) without express permission of the occupier, the proof of which lies on the defendant;
 - (b) enters onto the premises when entry is prohibited under this Act; or
 - (c) engages in an activity on the premises when the activity is prohibited under this Act; or
 - (d) does not leave the premises immediately after the person 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 \$2,000.00.

Prohibited Areas-Entry

- (a) Entry on a premise may be prohibited by notice to that effect and entry is prohibited without any notice on a premise:
- (i) that is enclosed in a manner that indicates that occupier's intention to keep persons off the premises.

Method of Giving Notice

- (a) A notice under this Act may be given:
- (i) orally or in writing (**Appendix 1 – Notice of Trespass**)
 - (ii) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies;
- (b) Courts prefer to have the notice given in writing. Notices should be served annually, especially for new students that become habitual trespassers.

Some Examples of Offences

Trespass to Property

- (a) A person that enters onto a school property who is not a student at that school and ignores the sign posted at the entrance has committed the offence of "entry when entry is prohibited." This would also apply to a student who is under suspension, exclusion or expulsion from his/her own school during the suspension period.
- (b) If a person is engaging in an activity where a sign is posted prohibiting that activity or a permit has not been granted for that activity, the person is committing an offence under this Act as well. Even where a sign is not posted, once a person is told the activity is prohibited and they continue, they are committing an offence.
- (c) In the last section of offences, once the person has been told to leave the property

and they refuse, they are again committing an offence under the Act.

4.0 265 (1) (m) - Exclusion

In Part X of the Education Act, clause 265(1)(m) permits a principal to “refuse to admit” to the school or to a class someone whose presence in the school would be “detrimental to the physical or mental well-being of the students.” This provision is frequently referred to as the “exclusion provision.” Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, following consultation with the Superintendent of Safe Schools, he or she is expected to notify the student’s parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m).

Exclusion is used as a temporary measure towards achieving safety and security for all. A student’s academic needs will continue to be accommodated by alternative means during an exclusion.

See Administration Guideline - Safe Schools: Exclusion of Students



Notice of Trespass

Date:

Adult Student (see definition-page 2, Safe Schools: Student Conduct Management) OR
Parent/Guardian
[Student's address]

[Note: For adult students (students aged 18 years or older, or students who are 16 or 17 years of age and who have withdrawn from parental control) the letter is addressed to the student only.]
[This Notice of Trespass does not apply to a student enrolled in the school or to a student attending a program for suspended or expelled students that is located on the school premises.]

Dear [Adult Student or Parent/Guardian]

This letter is to inform you that **(name or son/daughter)**'s presence at **(name of school)**, whether in the school proper, or on the property, will no longer be permitted
Section 3 of O. Reg. 47/00 states:

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. **O. Reg. 474/00, s. 3 (1).**

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. **O. Reg. 474/00, s. 3 (2).**

Pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T.21, **(name)** is hereby notified not to enter or trespass on lands or property of (name of school), including the lands of the school used and maintained as parking lots or playing fields. Schools are not public property. The right to use facilities is determined by the Near North District School Board, *Education Act, s.171. (1) (24)*.

The *Trespass to Property Act*, R.S.O. 1990, c. T.21, states that a person who “*without the express permission of the occupier, the proof of which rests on the defendant, enters on premises when entry is prohibited under this Act . . . is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.00.*”

Should (name) be found on the above-mentioned school property at any time, **(police service name)** will be contacted and **(name)** will be charged with trespassing. **This Notice of Trespass is in effect indefinitely from the date of service.**

Sincerely,

Principal

CC Director of Education
(Police detachment)
Superintendent of Schools
Superintendent of Safe Schools