



**DISTRICT SCHOOL BOARD
ONTARIO NORTH EAST**

Policy No. 2.1.19

Section: School Related Operations

Related References:

Safe Schools Act, 2000

Access to School Premises, Education Act

Trespass to Property Act, R.S.O. 1990

Appendices: A, B, C

Approved: October 1, 2002

Revised: April 2, 2013

Review Date:

TITLE: ACCESS TO SCHOOL PREMISES & TRESPASS TO PROPERTY

1.0 Rationale:

District School Board Ontario North East recognizes the need for safe and respectful learning and teaching environments.

The Board acknowledges the necessity to foster and maintain a safe, non-threatening environment for students, staff and community members within all of the board's jurisdiction through the implementation of effective measures to deal with access to school premises and trespass to property.

These measures should include the establishment of access procedures, and the administration of disciplinary action in accordance with the Education Act, Trespass to Property Act, Safe Schools Act, Board Policy, the Criminal Code and other appropriate legislation.

2.0 Definitions:

3.0 Policy:

The Access to School Premises and Trespass to Property Policy promotes a safe learning environment for students, staff, volunteers and community members and ensures a consistent approach to the way schools respond to visitors.

PROCEDURES:

ADMINISTRATIVE REGULATIONS

1.0 ACCESS TO SCHOOL PREMISES

- 1.1 The Access to School Premises Regulation is made under the authority of amendment to the Education Act and contained in the Safe Schools Act. The Regulation specifics who is permitted to be on school premises on any day or at any time.
- 1.2 The following persons are permitted to be on school premises on any day and at any time:
- a) A person enrolled as a pupil in the school.
 - b) A parent or guardian of such a pupil.
 - c) A person employed or retained by the board.
 - d) A person who is otherwise on the premises for a lawful purpose.
- 1.2.1 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.
- 1.2.2 A person who is invited onto school premises for a particular purpose by the principal, a vice-principal or another person authorized by board policy to do so is permitted to be on the premises for that purpose.
- 1.2.3 Subsection (1.2), (1.2.1) or (1.2.2) does not entitle a person to have access to all areas of the school premises.
- 1.2.4 Subsection (1.2) 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.
- 1.3
- a) 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 authorized by the board to make such a determination.
 - b) 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.
- 1.4 Persons who are on school premises without being authorized by Regulation have committed an offence and can be charged under the Education Act (s.305).
- 1.5 The *Access to School Premises* Regulation authorizes a principal, vice-principal or another person authorized by the Board to direct a person to leave the school premises where, in the judgment of the principal, vice-principal or other authorized person, the presence of that person is detrimental to the safety or well-being of a person on the premises.
- 1.6 Failure to comply with the request to leave the premises may result in prosecution under the *Safe Schools Act* and on conviction is liable to a fine of not more than \$5000.00.

- 1.7 The provisions in the new Regulation are specific to school premises, whereas the *Trespass to Property Act* governs more than just access to schools
- 1.8 Whether a person is charged under the new regulation or the *Trespass to Property Act* will depend on the individual circumstances of the case.

2.0 TRESPASS TO PROPERTY ACT

- 2.1 The Trespass to Property Act gives educators the power of arrest and detention.
- 2.2 The Act allows educators to exercise control over the people entering onto school premises.
- 2.3 Under section 1(1) of the *Trespass to Property Act*, the principal or designate is deemed to be the “occupier” of the premises, “a person with responsibility for the control over the condition of the premises or the activities there carried on, or control over a person allowed to enter the premises.
- 2.4 An individual entering onto school premises must have a valid reason to be on that property.
- 2.5 Signage in schools directs visitors to first report to the office for permission to access the school.
- 2.6 The failure to comply may result in the person being considered a trespasser on the premises.
- 2.7 Even when a sign is not posted, once the person is told an activity is prohibited and the person continues, or a person is told to leave the property and refuses, an offence is committed under the act.
- 2.8 Under section 2 of the Act, “any person who comes onto school premises without express permission of the occupier, who enters onto the premises when entry is prohibited, engages in an activity on the premises when the activity is prohibited or does not leave the premises immediately after being directed to do so by the person authorized by the occupier, is guilty of an offense and on conviction is liable to a fine of not more than \$2000.00.”
- 2.9 Under section 3 of the Act, entry is prohibited without any notice on a premises that is enclosed in a manner that indicates the occupier’s intention to keep persons off the premises.
- 2.10 A notice under the Act may be given either orally or in writing, however, the courts expect to have the notice given in writing.
- 2.11 Trespass letters should be served annually, if required

OPERATIONAL PROCEDURES

1.0 If the principal or designate determines that a person's presence is detrimental to the safety of the school environment, the principal will:

- 1.1 advise the person to leave the property immediately (refusal constitutes an offence under the Act);
- 1.2 Call the police immediately if the person refuses to leave;
- 1.3 send a letter of warning delivered by hand or registered mail, copied to the local Police Service and the Superintendent of Schools. The formal letter will be set out as in
 - Appendix A,** Persons who are legally permitted to be on school premises, e.g. parents/guardians, students
 - Appendix B,** Persons who are not legally permitted to be on school premises, and
 - Appendix C,** Persons who are not permitted to be on a school premise and where it is prudent to prohibit the person from being on any school premises.
- 1.4 If a person is again found trespassing on Board property by a Principal or designate after they have been verbally warned and a letter has been sent, call the police immediately and have charges laid.

2.0 SECURITY OF ACCESS TO ELEMENTARY AND SECONDARY SCHOOLS

All doors of elementary schools are locked. Request to enter the school is via the buzzer at the main door.

In secondary schools, all doors except for the front door are locked. The front door remains unlocked with visitors requested to register at the main office, both upon arrival and prior to departure.

DELIVERED BY HAND OR REGISTERED MAIL

(For persons who are legally permitted to be on school premises, e.g. parents/guardians)

Insert Date

Insert Name of Recipient
Insert Recipient's Address

Dear Insert Recipient's Name:

Re: Insert Name and address of Board Property

This letter is notice to you that you are prohibited from entering upon the property known as Insert Name and Address of the School or Board Property.

Failure to comply with this request may result in a prosecution under the *Trespass to Property Act*.

The ***Trespass to Property Act***, R.S.O. 1990, c.T.21 provides that trespass is an offence which is punishable on conviction with a fine of not more than \$2,000.00. Furthermore, the court has the power to award damages suffered by District School Board Ontario North East, caused during the commission of an offence.

In addition, the ***Safe Schools Act, 2000***, S.O. 2000 c.12 and the ***Access to School Premises Regulation***, O. Reg. 474/00 authorize a principal, a vice-principal or another person authorized by the Board to direct a person to leave the school premises where, in the judgment of the principal, vice-principal or other authorized person, the presence of that person is detrimental to the safety or well-being of a person on the premises. Your presence on school property has been considered detrimental to the safety and well-being of persons on the school premises and you are requested not to return to Insert Name of School.

Failure to comply with this request may also result in a prosecution under the ***Safe Schools Act, 2000*** and a possible fine to you of up to \$5,000.00.

If you require access to Insert Name of School, please contact me by phone at Insert Phone Number of School or by letter and we will discuss the matter.

In the event of an emergency, school staff will contact you. In this circumstance, you will report directly to the school office.

Yours truly,

Insert Principal's Name/Designate
Insert Title
Insert Name of School

cc. Local Police Service, insert name
Superintendent of Schools

DELIVERED BY HAND OR REGISTERED MAIL

TRESPASS GENERAL

(For persons who are not legally permitted to be on school premises)

Insert Date

Insert Name of Recipient
Insert Recipient's Address

Dear Insert Recipient's Name:

Re: Insert Name and Address of the School

This letter is notice to you that you are prohibited from entering upon the property known as Insert Name and Address of the School or Board Property. On Insert Date, you entered Insert Name and Address of the School or Board Property without right or authority and without the express permission of District School Board Ontario North East.

The **Trespass to Property Act**, R.S.O. 1990, c.T.21 provides that trespass is an offence which is punishable on conviction with a fine of not more than \$2,000.00. Furthermore, the court has the power to award damages suffered by District School Board Ontario North East, caused during the commission of an offence.

This letter will also serve as notice to you that you are to refrain from further trespassing on Board property and, in particular, the lands or buildings known as Insert Name and Address of the School. Failure to comply with this request may result in a prosecution under the **Trespass to Property Act**.

In addition, the **Safe Schools Act, 2000**, S.O. 2000 c.12 and the **Access to School Premises Regulation**, O. Reg. 474/00, your presence on school premises is not permitted. Please be advised that any future attendance on school premises is a provincial offence and may result in a fine to you of up to \$5,000.00 Accordingly, if you attend at Insert Name of School again, the police may be notified and a prosecution may be commenced under the **Safe Schools Act, 2000**.

If you require access to Insert Name of School, please contact me by phone at Insert Phone Number of School or by letter and we will discuss the matter.

Yours truly,

Insert Principal's Name/Designate
Insert Title
Insert Name of School

cc. Local Police Service, insert name
Superintendent of Schools

DELIVERED BY HAND OR REGISTERED MAIL

TRESPASS GENERAL – BOARD PROPERTY

(For persons who are not permitted to be on school premise and where it is prudent to prohibit the person from being on any school premises.)

Insert Date

Insert Name of Recipient
Insert Recipient's Address

Dear Insert Recipient's Name:

Re: Insert Name and Address of Board Property

This letter is notice to you that you are prohibited from entering upon the property known as Insert Name and Address of the School. On Insert Date, you entered Insert Name and Address of Board Property without right or authority and without the express permission of District School Board Ontario North East.

The ***Trespass to Property Act***, R.S.O. 1990, c.T.21 provides that trespass is an offence which is punishable on conviction with a fine of not more than \$2,000.00. Furthermore, the court has the power to award damages suffered by District School Board Ontario North East, caused during the commission of an offence.

This letter will also serve as notice to you that you are to refrain from further trespassing on any Board property or premises and, in particular, the lands or buildings known as Insert Name and Address of Board Property. Failure to comply with this request may result in a prosecution under the ***Trespass to Property Act***.

In addition, under the ***Safe Schools Act, 2000***, S.O. 2000 c.12 and the ***Access to School Premises Regulation***, O. Reg. 474/00, your presence on any school property or premises is not permitted. Please be advised that any future attendance on any school property or premises owned or operated by the Board is a provincial offence and may result in a fine to you of up to \$5,000.00. Accordingly, **if you attend on any school property or premises**, the police may be notified and a prosecution may be commenced under the ***Safe Schools Act, 2000***.

Yours truly,

Insert Principal's Name/Designate
Insert Title
Insert Name of School
cc. Local Police Service, insert name
Superintendent of Schools