

**CODE:** IKA.AR

**EFFECTIVE DATE:** (29-01-2020)

**TOPIC:** Trespassing, Disturbing or Interrupting School

**ISSUE DATE:** (29-01-2020)

**REVIEW YEAR:** (2005)

---

## REGULATION

### A. GENERAL

1. Any individual who disturbs or interrupts school proceedings or who loiters or trespasses in a school or on board property is guilty of an offence and liable to a fine of no more than \$1000, (*Education Act*, Sections 256 and 258). Charges may also be laid under the *Criminal Code* of Canada for causing a disturbance or a lesser charge may be laid for trespassing under the *Petty Trespass Act*.
2. Any incident which results in police being called, charges being laid, or action by Division staff to apprehend or remove a trespasser, shall be reported to the Superintendent of Schools.

### B. PROCEDURES IN THE EVENT OF TRESPASS

1. Persons who enter the grounds or buildings of a school or other Division facility at any time without permission or reasonable purpose may be considered trespassers.
2. Trespassers shall first be warned that they are trespassing on Division property, and then asked to leave.
3. The police should be called to remove a trespasser:
  - a. when a trespasser who has been warned refuses to leave a school building, or
  - b. when a trespasser who has left the school after having been warned returns to the school.
4. While the law permits board staff to apprehend a trespasser (*Petty Trespass Act*), or to use "no more force than is necessary" to prevent a trespass or remove a trespasser from Division property (*Criminal Code* Section 41), such action should be taken only in the most extreme circumstances.

## REFERENCES

*Education Act* Sections 256, 258

*Petty Trespass Act*

*Criminal Code* Section 41