

General

What is the Safe Access to School Act (Bill 22)?

- This legislation is designed to protect students, staff, and families from harmful disruptions and protests at schools, to preserve safe access to education.
- The legislation gives government the ability to establish access zones around K-12 schools through regulation.
- Within access zones, the legislation prohibits harmful disruptive behaviour and is intended to protect people on and around school grounds so that students, parents, and staff can access educational programs safely.

Why was this legislation introduced?

- This legislation is in response to concerning protests and disruptions at K-12 schools since the start of the 2023/24 school year.

When did the Safe Access to School Act come into effect?

- The Safe Access to School Act came into effect upon Royal Assent on May 16, 2024.
- Although the Act came into effect on May 16, access zones did not. Access zones don't exist until they are established by Cabinet through regulation made under the Act.

Are there Access Zones in effect now?

- Yes, Access Zones have now been established for all K-12 public and independent schools with the following exceptions:
 - Independent schools that are operated by First Nations
 - Qwam Qwum Stuwixwulh Community School in the Nanaimo-Ladysmith School District (SD 68)
- These exceptions are in recognition of First Nations jurisdiction over First Nations education. First Nations schools can be added to access zones at any time at their request.

Should school districts and schools continue to alert the Ministry of Education and Child Care of any potential or actual protests or disruptions?

- Yes, school districts and schools should continue to alert the Ministry of any known potential or actual protests or disruptions on or around school grounds, at board offices, or at any other locations within their communities.
- School districts and can email the ministry at ecc.strategicpriorities@gov.bc.ca
- Independent schools can email info@fisabc.ca and EDUC.IndependentSchoolsOffice@gov.bc.ca

Who can districts, school authorities or schools contact if they have questions about access zones?

- School districts, school authorities and schools can email the Ministry of Education and Child Care at ecc.strategicpriorities@gov.bc.ca with any questions about access zones.

What if Members of the school community raise concerns about Access Zones?

- This Act and Regulation were brought forward by government and not boards of education, independent school authorities or schools.
- The establishment of access zones does not prevent people from protesting everywhere. Protests may still occur, just not at schools.

- School administrators can direct people to contact the Attorney General (AG.Minister@gov.bc.ca), Minister of Education and Child Care (ECC.Minister@gov.bc.ca) or their [local MLA](#) if they have concerns about the legislation.

Access Zones for Schools

What is the size of a school access zone?

- A school access zone includes the entire parcel of land on which the school is located and extends out 20 metres from the parcel's boundaries or property line.
- An access zone does not include private residences within 20 metres of a school.

What about access zones for non-traditional school facilities – such as one located in a multi-use building?

- There may be schools operated in buildings and developments alongside other non-school-related owners, tenants or occupants. For schools that are located in a multi-use building, the access zone includes the school itself plus the area that extends out 20 metres from each building entrance and exit, and 20 metre-wide passageways that run from the school to each entrance and exit that can be used to access the school. The access zone does not include a private residence within 20 metres of the school.

Are School Board offices protected under the Act?

- No. Board offices are not protected under the Act as the focus of this legislation is on ensuring safe access to educational programs and extra-curricular school activities provided at schools.
- The only exception would be if the board office is co-located with a school. In that case, an access zone would exist around the whole parcel on which the school (and board office) is located and would extend out 20 metres beyond the property line.
- School board meetings that are held in a school building outside of the times when access zones are in place will not be protected by the access zones.
- Boards have tools available under the School Act to address harmful disruptive behaviour, including shifting to virtual meetings and removing or banning individuals for improper conduct.
- Government supports school boards taking necessary steps to ensure school board meetings can be conducted safely and appropriately.

When are access zones in place for schools?

- Access zones for schools are in place:
 - from 7 a.m. to 6 p.m. on weekdays, excluding holidays, and
 - at any time an extracurricular school activity is taking place.
- The time limits were designed to ensure that access zones would exist during the time periods when it is anticipated that students and school staff would be on site.
- If there are activities taking place on school property outside of 7 a.m. to 6 p.m. on weekdays that are not associated with the school or school district – for example, rental of school fields or gym on the weekend by a community sports organization – the access zone will not be in place during that activity.

Is child care on school grounds protected?

- Child care programs located on school property within an access zone will be included in access zones. This includes before and after school care programs and child care programs located at schools.

Current Access Zones Established Through Regulation

Where have access zones been established?

- Access zones have been established for all schools operated by boards of education, francophone education authorities and independent school authorities, excluding:
 - independent schools that are operated by First Nations
 - Qwam Qwum Stuwixwulh Community School in the Nanaimo-Ladysmith School District (SD 68)

- These exceptions are in recognition of First Nations jurisdiction over First Nations education. First Nations schools can be added to access zones at any time at their request.

What do I do if there are harmful protests or disruptions occurring at a school?

- School districts and school authorities have local policies and procedures in place to address disruptions that occur at a school and those should continue to be followed.
- If there are harmful or disruptive protest activities occurring at the school, administrators may contact local law enforcement to request assistance.
- Follow existing protocols for responding to safety incidents when necessary (e.g., contacting a Safe School Coordinator)
- Do not engage with the protestors if you do not feel it is safe.

Whose role is it to enforce the legislation?

- Police officers (RCMP, municipal police and Stl’atl’imx police officers) have enforcement powers under the legislation.
- When police are called to assist with protests or disruptions, it is the police’s responsibility to decide if the legislation is being contravened, and what kind of response is appropriate.
- Police have the discretion to determine how to respond. It is their role to make those decisions, based on the situation at hand.

Do I have to wait until protestors show up at a school, or should I alert police if I become aware of a planned protest?

- School districts and school authorities should continue to follow local policies and procedures in place regarding potential disruptions at a school.
- If you become aware of a planned protest or disruption, you can alert police in advance. You do not have to wait until individuals present themselves at the school to advise police if you have concerns.
- Police will decide whether to attend proactively. They may instead request that you contact them again if you begin to see protestors, as not all planned protests actually materialize.

Prohibited Conduct within an Access Zone

What kind of conduct does the Act prohibit?

- The Act prohibits a person from doing any of the following in an access zone:
 1. Impeding access to or egress from the school
 2. Disrupting the provision of an educational program or extracurricular school activity
 3. Participating in a protest
 4. Engaging in interference (advising or persuading, or attempting to advise or persuade, someone from participating in or providing an educational program)
 5. Intimidating or attempting to intimidate a person or otherwise doing or saying anything that could reasonably be expected to cause concern for a person’s physical or mental safety

Are students allowed to protest?

- The Act does not apply to students who are registered or enrolled with the school while the students are on the school grounds.
- The exemption only applies to students while they are on the school parcel – if the students are in the 20M buffer zone, or are protesting at another school, then the Act applies.

What about protests related to labour relations or collective bargaining – are those permitted in an access zone?

- Yes. The Act exempts strikes, lockouts and picketing when carried out lawfully in accordance with the Labour Relations Code. The Labour Relations Board decides how and when labour relations activities are permitted to occur.
- However, people engaging in lawful job action are still subject to other limits on their conduct. For example, picketers cannot assault or harass people. Conduct on picket lines is regulated by the Labour Relations Board and police, who will be aware of locations where lawful job action has been authorized to take place.

Are people allowed to be in access zones?

- Yes. The Act does not create a blanket prohibition on people being present in an access zone. It only prohibits specific types of conduct within an access zone.

Who decides whether someone is participating in a protest, intimidating a person or engaging in other behaviour that causes a concern for safety?

- It is up to the police to decide if someone's behaviour falls within the scope of conduct that is prohibited under the Act.
- If there is concern that a person's behaviour may cause a student, staff or family member concern for their own safety, it is appropriate to contact police with this concern.
- In terms of causing concern for safety, the Act is based on whether the behaviour would cause a "reasonable person" concern for their safety or another person's safety. It is not an assessment based on a particular individual who is involved.

Other Available Tools

Does the Act replace the other tools that existed previously?

- No. The Act does not replace or eliminate the tools that existed previously for addressing problematic or unwelcome behaviour at schools.
- For example, school districts and public schools continue to be able to rely on s. 177 of the *School Act*.
- Law enforcement still have the ability to rely on the *Trespass Act* and the Criminal Code.
- The Act simply adds another tool that can be used to address the kinds of disruptive behaviours that have occurred at schools recently.
- It also sets expectations for what constitutes reasonable behaviour around schools.

How can Section 177 be used?

- School districts and public schools can continue to follow their regular district procedures and practices for s. 177 of the *School Act*, which prohibits the disturbance or interruption of school proceedings or official school functions and authorizes principals and other school administrators to direct individuals to leave school property and to call the police for assistance if necessary.
 - Persons directed to leave school property under this section of the Act may not return without the prior approval of the principal or other administrator.
 - S.177 only applies to school grounds and may be most useful to address the removal of an individual, rather than a group of individuals, from the school premises.

What can be done to address disruptions at a Board office?

- Boards have other tools they can use to address disruptive behaviours. For example, while board meetings are generally open to the public, under the *School Act*, boards have the authority to expel people from meetings for improper conduct (s. 70) and to exclude people from meetings if in their view it is in the public interest to do so (s. 69(2)).
- Boards may also take other steps to address disruptive conduct during board meetings, such as requiring audience members to submit questions in advance, limiting the number of question periods or shifting to virtual meetings.