



**Submission to the Ministry of Education
regarding local police services' access
to school premises and programs**

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Overview

The Ministry of Education has requested comments on a proposal to establish a regulation under the new section 170.0.2 of the *Education Act* regarding how school boards work with local police services.¹ The proposal stems from recent legislative changes created by the *Supporting Children and Students Act, 2025*.² School boards are required to work with local police services and allow police access to school premises, to enable police to participate in school programming, and to implement school resource officer programs where available, in prescribed circumstances.

Drawing on the expertise of my Office in reviewing complaints in the education, police oversight and child protection sectors, I offer the Ministry the following submissions to increase the transparency and accountability of the proposed regulation. My suggestions aim to ensure that there is clear information for parents, guardians, students, staff and other members of the public about these programs. They are also intended to help address concerns related to the increased participation of police officers in school settings, and to ensure that information is collected to enable the Ministry to evaluate the effectiveness of these programs.

Ombudsman role and jurisdiction

The Ombudsman is an independent, non-partisan Officer of the Legislative Assembly of Ontario, appointed by all parties under the *Ombudsman Act*,³ whose role is to ensure that provincial government bodies, school boards, and the public sector more broadly serve people in a way that is fair, accountable, transparent, and respectful of their rights.

The Ombudsman is a democratic institution, not a government department, and an essential element in states based on democracy, the rule of law, good administration, and respect for rights. My Office intervenes to resolve or investigate issues involving government and public sector administration and makes evidence-based recommendations for corrective action when necessary. We do so based on complaints or on our own initiative and are recognized internationally for the calibre and impact of our work.

The Office of the Ontario Ombudsman was established in 1975 and takes complaints about the administrative decisions and actions of more than 1,000 public sector and government bodies in Ontario, as well as French language services and services provided in the child protection sector.

¹ RSO 1990, c E.2.

² SO 2025, c 12 (also known as Bill 33).

³ RSO 1990, c O.6.

Since gaining jurisdiction over school boards on September 1, 2015, my Office has received more than 9,500 cases (complaints and inquiries) about school boards. The cases we handle address a broad range of concerns related to school board administration, from children's safety in class and health and safety in school buildings to special education and governance matters.

In 2019, my Office gained the ability to review complaints about children's aid societies, residential licensees, and secure treatment facilities that provide services to children and youth under the *Child, Youth and Family Services Act, 2017*.⁴ Since then, we have continued to develop expertise in oversight of services for children. We focus on ensuring that public services respect the rights of young people, who often are not aware of their ability to raise and address concerns about how public sector organizations provide services to them.

My Office also has experience in the police oversight sector. The Ombudsman has long overseen the Special Investigations Unit and non-policing administration within the Ontario Provincial Police. Our oversight of the provincial policing and policing oversight sectors was expanded when the *Community Safety and Policing Act, 2019* came into force in 2024.⁵ My Office now also oversees the Law Enforcement Complaints Agency and the Inspector General of Policing, and has expanded jurisdiction over the Ontario Provincial Police.

Clarifying the purpose and expectations for police in schools

The new requirements for school boards to work with police will increase interactions between police and school communities, and introduce police to spaces where students, educators, families and the public may not have previously interacted with them.

Expectations for police-in-schools programs and activities will vary across the province and from community to community, reflecting local culture and norms, past practices, and previous interactions with police, both positive and negative. Without careful implementation, the result could be a patchwork of inconsistent interactions between police and school communities across Ontario.

It is essential that the Ministry maximize the information and guidance provided to school boards and to police regarding the purpose and objectives of programs such as school resource officers (a police officer assigned to a school). This information should clearly set out the roles and limitations of school resource officers on school premises and baseline expectations around the intended relationships and interactions between

⁴ SO 2017, c 14, Sched 1.

⁵ SO 2019, c 1, Sched 1.

police and students, staff, parents/guardians, and any other school community members.

Requiring broader memoranda of understanding

The proposed regulation would require a school board to enter into a Memorandum of Understanding (MOU) with a local police service, if that police service offers a school resource officer program. MOUs would have to address how the board will work collaboratively with the police, share general information about the school population and community with participating police officers, make students and families aware of the program, and involve them in its implementation.

The requirement for a local police service and a school board to enter into an MOU is a step in the right direction, but should not be limited to school resource officer programs. Instead, the MOU should cover all aspects of police activity and operations in schools, under section 170.0.2 of the *Education Act* as well as the *Community Safety and Policing Act, 2019*. Where a local police service does not offer a school resource officer program, a school board should be required to have an MOU addressing other types of police participation in school programs.

While school boards are already required to have School Board-Police Protocols that address the roles of school boards and police, they focus on co-ordinating efforts related to violence prevention, various reporting requirements, procedures during incidents, and other emergency planning and threat management matters. The Provincial Model for a Local Police/School Board Protocol does not set out model provisions about how complaints or concerns about police activities in schools should be addressed.⁶

The draft regulation should be amended to require that school boards establish MOUs with relevant local police services to:

- Clarify the intended purpose and objectives of the relationship between the school board and the police service;
- Set parameters for police activities on school board premises and at school board events off school board property;
- Set out the roles of school board staff, police officers, and police service staff, to clarify expectations and processes from the outset; and
- Establish a clear complaint process (more on this below).

⁶ Ministry of Education, “*Provincial Model for a Local Police/School Board Protocol*” (2015), online: <<https://files.ontario.ca/edu-provincial-model-local-police-school-board-protocol-en-2021-11-02.pdf>>.

School boards should be required to ensure that their MOUs with local police services are publicly accessible, including by making them available online, to increase the transparency of this process and ensure all parties and members of school communities understand the intended purpose, objectives and parameters for police-school interactions.

Ensuring clear complaint processes

The Ministry should ensure there is a complaint mechanism within the local police service for school community members to raise concerns. At present, there is no required process to ensure that concerns about police participation in school programs get directed to the appropriate complaint mechanism. While concerns related to school programs generally go to school boards, concerns about police typically should go to the appropriate provincial oversight body. Complaints about police officer conduct should be directed to the Law Enforcement Complaints Agency (LECA), while matters of compliance with the *Community Safety and Policing Act, 2019* should be made to the Inspector General of Policing (operating as the Inspectorate of Policing).

LECA has the discretion to not investigate complaints that do not appear to be misconduct, which is a defined term within the *Community Safety and Policing Act, 2019*. In the course of interacting with school communities, issues may arise between police officers and school community members that do not fit within the definition of misconduct in the Act, but have an impact on a student's education, a school board staff member's educational duties and obligations, or the ability of another member of a school community to participate in school activities.

Additionally, school administrators and other school board officials might identify issues with police participation in school programming and activities on a more systemic level. Such issues could speak to general operations that are not matters of individual officer misconduct and not related to compliance with the Act, but which affect the operation of schools and school programming. The Ministry should ensure that school boards have a path to raise broader issues with local police services.

The Ministry should require that the MOUs between school boards and local police services establish a clear complaints protocol for individuals (students, parents/guardians, staff, and other community members) and the school board itself to raise concerns about police presence in schools and participation in school programming.

The MOU's complaints protocol should:

- Set out the appropriate avenues for raising concerns based on the complaint's subject matter.
- Address when complaints should go to the school board, the local police service, the Law Enforcement Complaints Agency, or the Inspectorate of Policing.

Because complaint mechanisms must be meaningfully available to children and youth, the Ministry should require school boards to communicate the different complaint avenues in a way that makes it clear where each type of concerns can be raised. This information should be made available in a way that allows children and youth to understand these complaint avenues and how to access them.

Publicizing complaint avenues

The Ministry should require that school boards prominently display – within schools and online – easy-to-understand, age-appropriate, plain-language information about the processes that are in place for raising complaints about police activities in schools. These should include the processes within school boards and at the police service level. Complaint processes are only as strong as they are known and accessible. It is particularly important that vulnerable children and youth who interact with police in school settings are aware that this recourse is available.

The Ministry should also require school boards to display information about provincial police oversight bodies, namely the Law Enforcement Complaints Agency, which can take complaints from members of the public about police officer conduct, and the Inspectorate of Policing, which can take complaints about a police service's compliance with the *Community Safety and Policing Act, 2019* as well as a police service's provision of adequate and effective policing.

Recourse to the Ombudsman

My Office is an important complaint avenue for students, families and others who cannot resolve a concern through a local complaint process, such as those within school boards or bodies like LECA. However, students and families cannot exercise their right to bring a concern to my Office if they are not aware of our oversight role or how to contact us.

The Ministry should require school boards to display – within schools and online – information about how affected parties can raise concerns to my Office, including those related to the relationship between police services and school boards and about police presence and activity in schools. The information should describe the Ombudsman's

role, including that we can take complaints about school boards, police oversight organizations, and children's aid societies.

Service providers in the child welfare sector must already provide such information. Under section 15.1 of the *Child, Youth and Family Services Act, 2017*, and section 14.0.1 of the *Ombudsman Act*, children's aid societies and licensed residential care providers are required to tell children and youth about the existence and role of the Ombudsman, and to prominently display this information and our contact details, using age- and ability-appropriate language.

Starting July 1, 2026, section 5.1 of Ontario Regulation 155/18 will also require children's aid societies and licensed residential care providers to provide information about their complaints procedures, data collection and use, as well as information about relevant oversight bodies (e.g., the Information and Privacy Commissioner, Child and Family Services Review Board, Custody Review Board, etc.), among other topics, in plain, easy-to-understand language.

Oversight and monitoring

In addition to requiring school boards to have robust and communicated complaint processes about police participation in school programming, the Ministry should establish internal mechanisms to collect and assess information regarding the implementation of expanded police presence in schools. Such centralized oversight will enable the collection of information that can be used to inform future decision making and evaluate the effectiveness of school resource officer programs and police participation in other school activities.

By collecting data on police programming in schools, the Ministry will be able to identify whether the programs achieve their stated goals and objectives and identify any changes or problems that should be addressed. Monitoring is essential to ensure that police participation in school programming is conducive to supporting students' safety and education, and reflects the objectives identified by the Ministry.

The Ministry should also require school boards to track and monitor trends in complaints related to police participation in programs under section 170.0.2. It should require boards to report on this data to the Ministry to assist with monitoring and evaluation of these programs provincewide.

I recognize that it could be challenging to establish a centralized approach to tracking these complaints. The Ministry is proposing a draft regulation under the *Education Act* and does not contemplate proposed changes to policing legislation or regulations. However, for the Ministry's monitoring and program evaluation to be successful, it will need to collect information from all relevant complaint mechanisms. The Ministry should

engage with the relevant partner ministries and police oversight organizations to ensure that it obtains the relevant data to meaningfully monitor police presence in schools.

Consulting the Information and Privacy Commissioner

The draft regulation would require that the MOUs between school boards and police services set out how they will work collaboratively to share general information about the school population and local community with school resource officers. Because school boards and police services regularly collect and retain extensive sensitive information about young people, including information that may be protected under the federal *Youth Criminal Justice Act*,⁷ it is important that the Ministry clarify and address privacy implications for section 170.0.2 programming. As written, the draft regulation does not provide further definition or guidance regarding the requirement to share “general information.”

To ensure the privacy rights of children and youth are protected, I encourage the Ministry to consult with the Information and Privacy Commissioner regarding information sharing between school boards and local police services in relation to section 170.0.2 programming.

Ensuring shared materials comply with law, policy

The Ministry’s proposed regulation sets out the types of programs in which school boards would be required to facilitate local police participation. School boards would not be able to place conditions on a local police service’s participation in school activities, events, or programs conditional on school board approval of materials.

Under sections 169.1 and 170 of the *Education Act*, school boards are responsible for promoting student achievement and wellbeing, delivering effective and appropriate education to students, and providing instruction, among other duties. Ultimately, school boards are responsible for ensuring that educational materials are appropriate and presented to students and community members in compliance with the *Education Act*, its regulations, and Ministry and school board policies.

While school boards would remain responsible for school activities, events, and programs, the regulation as proposed would remove their oversight of police participation in their educational programming. Considering school boards’ continuing responsibility for school programming, the Ministry should ensure that there are adequate mechanisms, rules and guidelines in place to ensure that the content

⁷ SC 2002, c 1.

presented by local police services at school activities, events and programs complies with the *Education Act*, its regulations, and Ministry and school board policy.

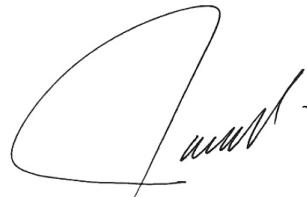
Conclusion

In order to increase transparency and accountability in the implementation of the proposed regulation, I strongly encourage the Ministry to:

- Maximize the information and guidance provided to school boards and police services regarding:
 - The purpose and objectives of police-in-schools programs; and
 - The principles and processes to guide the interactions between police and students, staff, parents/guardians, and any other school community members.
- Require school boards to establish and publish Memoranda of Understanding with local police services that:
 - Cover *all* aspects of police-school interactions under the *Education Act* and *Community Safety and Policing Act, 2019*;
 - Set out the roles of school board staff, police officers and police service staff;
 - Establish a complaint protocol between the school board and local police service to take complaints from school community members and the school board itself; and
 - Set out the appropriate complaint avenues in a manner that provides meaningful direction about where an individual should raise their concerns based on the complaint's subject matter.
- Require school boards to display easy-to-understand, age-appropriate, and plain-language information about:
 - Complaint processes and contact details at the school board and local police service levels, as well as the Law Enforcement Complaints Agency and the Inspectorate of Policing; and
 - Ombudsman Ontario, including the Ombudsman's role, jurisdiction and contact details.
- Take the appropriate steps to establish a centralized monitoring system for complaints about police presence and participation in schools, including by working with relevant partner ministries.

- Consult with the Information and Privacy Commissioner regarding information shared between school boards and local police services in relation to section 170.0.2 programming.
- Ensure that any materials police share in school programming comply with relevant law and school board policies.

I would like to thank the Ministry for the opportunity to present these comments. My team and I are available to offer further clarification or insights regarding these comments as the Ministry considers them.



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Ce mémoire est aussi disponible en français