

October 14, 2021

Memorandum to: Directors of Education
Secretary/Treasurers of School Authorities

From: Nancy Naylor
Deputy Minister

Subject: **Proof of Vaccination Against COVID-19: Community Use of Schools**

This memo is intended to provide clarification regarding Community Use of Schools and requirements for patrons to demonstrate proof of vaccination against COVID-19 set out in [O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step](#) made under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (ROA).

Effective September 22, 2021, patrons seeking access to particular areas of certain businesses or organizations in Ontario must show proof of identification and proof of being fully vaccinated against COVID-19 before they can enter the area, with limited exceptions. See section 2.1 of Schedule 1 to [O. Reg. 364/20](#) and [Proof of Vaccination Guidance for Businesses and Organizations under the Reopening Ontario Act](#) (Ministry of Health guidance) for further information.

While school boards are not subject to the proof of vaccination requirements under O. Reg. 364/20 when operating schools pursuant to the *Education Act*, when a school board rents out its space (i.e., Community Use of Schools) for a purpose outlined in section 2.1 of O. Reg. 364/20, the proof of vaccination requirements would apply at the time of use.

For example, indoor school spaces that are rented to community sports leagues would be considered an “indoor area of facilities used for sports and recreational fitness activities,” under O. Reg. 364/20. Similarly, a school library or auditorium that is rented to a community group would be considered a “meeting or event space”. In these cases, the proof of vaccination rules for such facilities would apply at the time of use. The school board would be the “person responsible for the business or organization” and must require patrons to provide, at the point of entry, proof of identification and proof of full vaccination against COVID-19 or confirm the patron is exempt, as outlined in O. Reg. 364/20 and Ministry of Health guidance. Patrons who fail to produce the required identification and proof of vaccination are expected to be denied entry, unless they provide proof that they are exempt from these requirements. Failure of a school board or a patron to comply with the requirements in O. Reg. 364/20 is an offence under the ROA.

These requirements do not apply to school board staff or any other visitor, worker or contractor who is attending the premises for a reason related to school operations or the provision of services to the school board.

Ontario's schools are community hubs where all people can gather to learn and participate in a range of activities offered by community organizations. The Ministry of Education strongly supports continued access to Community Use of Schools, and encourages school boards to work with the individuals or organizations who rent school space in meeting the board's obligations under O. Reg. 364/20.

While boards may meet the requirements of section 2.1 of O. Reg. 364/20 through their own staff or through appropriate arrangements with community users, school boards should consult their own legal counsel to determine how best to meet these requirements, or more generally about the application of the ROA or O. Reg. 364/20.

This memo is intended to be clarifying, and is not legal advice and does not purport to be or to provide an interpretation of the law. In the event of any conflict or difference between this summary information and any applicable legislation or regulation, the legislation or regulation prevails.

Thank you for your cooperation.

Sincerely,

Nancy Naylor
Deputy Minister

- c: Executive Director, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)
- Executive Director, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)
- Executive Director, Ontario Catholic School Trustees' Association (OCSTA)
- Executive Director, Ontario Public School Boards' Association (OPSBA)
- Executive Director, Council of Ontario Directors of Education (CODE)
- Executive Director and Secretary-Treasurer, Association des enseignantes et des enseignants franco-ontariens (AEFO)
- General Secretary, Ontario English Catholic Teachers' Association (OECTA)
- General Secretary, Elementary Teachers' Federation of Ontario (ETFO)
- General Secretary, Ontario Secondary School Teachers' Federation (OSSTF)
- Chair, Ontario Council of Educational Workers (OCEW)
- Chair, Education Workers' Alliance of Ontario (EWAO)
- Co-ordinator, Canadian Union of Public Employees – Ontario (CUPE-ON)
- Executive Director, Association des directions et directions adjointes des écoles franco-ontariennes (ADFO)
- Executive Director, Catholic Principals' Council of Ontario (CPCO)
- Executive Director, Ontario Principals' Council (OPC)
- Dr. Kieran Moore, Chief Medical Officer of Health of Ontario