CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO
www.cdsbeo.on.ca

BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

# 406 Access and Trespassing

DIRECTIONAL POLICY

## 400 Safe, Inclusive and Progressive Schools

**Title of Administrative Procedure:**

Access and Trespassing

**Date Approved:**

November 2024

**Projected Review Date:**

November 2029

**Directional Policy Alignment:**

This Administrative Procedure aligns with the Directional Policy - 400 Safe, Inclusive and Progressive Schools by ensuring our students feel safe and secure that our schools and board properties are welcoming, safe, respectful, equitable, inclusive and accepting learning, teaching and working environments.

**Alignment with Multi-Year Strategic Plan:**

This Administrative Procedure supports our vision of cultivating the heart, mind, body, and soul of our students and staff. The Board is committed to the safety and well-being of our students and staff and will ensure that Board employees are aware of the CDSBEO's policy and procedures. This Access and Trespassing Procedure aligns with the Board's Multi-Year Strategic Plan supporting the four tenets of believing, protecting, learning, and nurturing.

CDSBEO Strategic Plan 2020-2025

**Purpose**

The purpose of this Administrative Procedure is to establish a framework for principals and school personnel to identify who is permitted to be on school premises on any day, at any time. The principal and school personnel shall safeguard the students from trespassers on school property. Access to school board premises is determined by the premises' site manager, typically the school principal. The parameters for access to school board premises are set out in O. Reg. 474/00, Access to School Premises, under the Education Act.

This procedure will assist site managers should they deem it necessary to deny access to school premises to a person(s). The Trespass to Property Act, R.S.O. 1991, also provides school site managers to exercise control over persons entering onto their property.

This procedure applies to all students and employees of the Board. The procedure also covers parents/guardians, Catholic School Council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board related functions.

Schools and school-related activities, such as extra-curricular activities and excursions, fall within the scope of this procedure, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff gatherings, retirement celebrations) also fall within the scope of this procedure.

## Action Required

### 1.0 - Persons who are Legally Permitted

Persons who are legally permitted to be on school board premises further to the Access to School Premises regulations are:

a) A person enrolled as a pupil in the school/board facility.
b) A parent, guardian, or caregiver of such pupil.
c) A person employed or retained by the Board.
d) A person who is otherwise on premises for a lawful purpose (e.g. Delivering mail, voting).
e) A person who is invited to attend an event, a class or a meeting on the premises.
f) A person who is invited onto the school premises for a particular purpose by the principal, a vice-principal or another person authorized by the Board to do so is permitted to be on school/board premises.

### 2.0 - Access to School Board Premises - Legally Permitted

Those persons outlined in Section 1.0 will have access to the school board premises when the premises are being used for a purpose authorized by the Board. At the start of each school year the principal and/or site managers will:

a) Ensure that they have entry and exit plans that are understood by all members of the school community and reviewed annually.
b) Establish, review, and communicate which doors are open, locked, and to be used by whom, during specified times; and,

c) Ensure that proper signage is visible, instructing all visitors to report to the main office upon arrival.

**3.0 – Denying Access to a School Board Premises - Legally Permitted**

Denying access to school board premises for persons who are legally permitted to be on the premises under O. Reg 474/00 Access to School Premises, can occur when:

a) If in the judgement of a principal, a vice-principal, site manager or another person authorized by the board to make such a determination, their presence is detrimental to the safety or well-being of a person on the premises or,
b) If a policy or procedure of the Board requires the person to report their presence on premises in a specified manner and the person fails to do so.
c) Should an incident occur involving a person's access to a school board premises the principal and/or site managers will:
    i) Investigate to determine what occurred during the incident.
    ii) Consult with their Family of Schools Superintendent and the Superintendent of Safe Schools.
    iii) Determine if the incident requires a follow up with the person(s) involved and communicate with that person(s) accordingly.
    iv) Issue a Trespass to Property Letter, if the principal deems that the person's presence is detrimental to the safety or well-being of a person on the premises; and,
    v) Inform Police, if appropriate.

*A STUDENT CANNOT BE TRESPASSED OR ISSUED A WARNING TO TRESPASS TO A PREMISES IN WHICH THEY ARE ENROLLED AS A PUPIL, OR IF THE PUPIL IS ATTENDING A PROGRAM FOR SUSPENDED OR EXPELLED PUPILS THAT IS LOCATED ON THE PREMISES.*

**4.0 – Persons who are Not Legally Permitted**

Persons who are not legally permitted to be on school board premises under O. Reg 474/00 Access to School Premises;

a) An individual whose presence, if in the judgement of a principal, a vice-principal, site manager or another person authorized by the board to make such a determination, is detrimental to the safety or well-being of a person on the premises (i.e. students from another school) (Reg.474/00, s.3(1). Failure to leave the premises when asked will result in the visitor being considered a trespasser.
b) If a policy or procedure of the Board requires the person to report their presence on premises in a specified manner and the person fails to do so. (Reg. 474/00, s.3(2)). Failure to leave the premises when asked will result in the visitor being considered a

trespasser.

c) A person identified as a trespasser shall be warned and asked to leave the property by the principal, vice-principal, or another person authorized by the Board as a person who has responsibility for, and control over, the condition of Board premises or the activities being carried out on Board premises.

d) If a Trespasser does not leave the property when directed to, Police will be contacted.

e) Where the identity and address of the trespasser is known and the principal does not wish the individual to re-enter Board premises, the Family of Schools Superintendent and the Superintendent of Safe Schools shall be consulted, and a "Trespass Notice" may be sent by the school principal or designated official.

f) If a person is present on school premises without being authorized by Ontario Regulation 474/00 Access to School Premises, they are considered to be trespassing and have committed an offence and can be charged under the Education Act (s.305). Upon conviction, the fine carries a maximum penalty of $5,000. The main elements of Ontario Regulation 474/00 are summarized above.

**5.0 – Denying Access to a School Board Premises - Not Legally Permitted**

Should an incident occur involving a person's access to school board premises the principal and/or site manager will:

a) Investigate to determine what occurred during the incident.

b) Consult with their Family of Schools Superintendent and the Superintendent of Safe Schools.

c) Determine if the incident requires a follow up with the person(s) involved and communicate with that person(s) accordingly.

d) Issue a Trespass to Property Letter, if the principal deems that the person's presence is detrimental to the safety or well-being of a person on the premises; and,

e) Inform Police, if appropriate.

**6.0 - Denying Access to all sites of the School Board**

From time to time, it may be prudent for a person to be denied access to all sites of the School Board. Should an incident occur involving a person's access to all school board premises the principal and/or site manager will:

a) Investigate to determine what occurred during the incident.

b) Consult with their Family of Schools Superintendent.

c) Determine if the incident requires a follow up with the person(s) involved, and communicate with that person accordingly; and,

d) If it is deemed that the person's presence is detrimental to the safety or well-being of

a person at all CDSBEO sites, the principal and/or site manager will consult with the Family of Schools Superintendent and the Superintendent of Safe Schools to issue a Trespass to Property Letter.

The Family of Schools Superintendent and the Superintendent of Safe Schools will;

a) Review the circumstances necessitating the Trespass to all CDSBEO Properties letter,
b) Prepare a Trespass to all CDSBEO Properties letter if it is deemed that the person's presence is detrimental to the safety or well-being of a person(s) at all CDSBEO sites,
c) Review the trespass letter and the circumstances necessitating the letter with the Director of Education,
d) Upon the approval of the Director of Education, and after signing by the Superintendent of Safe Schools, issue the Trespass to all CDSBEO Properties letter; and,
e) Include Police on all communication.

**7.0 - Annual Review of Issued Trespass Letters**

In all cases, the issuance of a trespass letter is not to be taken lightly. An investigation of the incident involving a person's access to school premises, and consultation with the appropriate CDSBEO staff must occur every time a trespass to property letter is issued. Each trespass letter must be reviewed annually.

a) Rescinding Trespass to Property letter - An annual review by the principal and/or site manager of the site to which the letter pertains to determine if the circumstances that necessitated the letter still exist. If a Trespass to Property letter is to be rescinded a meeting should occur with the principal and/or site manager and the person to whom the trespass letter applies, to review access to school premises expectations and to ensure that the incident that necessitated the letter (or a similar incident) does not occur again.
b) Rescinding Trespass to all CDSBEO Properties letter - An annual review by the Superintendent of Safe Schools to determine if the circumstances that necessitated the letter still exist. If a Trespass to all CDSBEO Properties letter is to be rescinded, a meeting should occur with the Superintendent of Safe Schools and/or Director of Education, and the person to whom the trespass letter applies to review access to Catholic District School Board of Eastern Ontario premises expectations and to ensure that the incident that necessitated the letter (or a similar incident) does not occur again.

**8.0 - Guidelines for a Safe Entry Plan**

The Education Act, R.S.O. 1990, c. E.2, identifies that principals and site managers are responsible for safety at their schools/sites, which includes establishing a plan for safe entry to the

school/site. While all Board premises are different, all must establish a plan for safe entry.

8.1 Elementary Schools:

Each elementary school will establish, review and communicate the *Ministry of Education Safe Welcome Program, 2012*, which includes the use of secure front door access. While elementary schools will use an electronic system for securing their front doors, it is the principal of the school who determines its usage, including the hours the system is operational. It is expected that if you have a secure front door access system, front doors and perimeter doors will be locked as appropriate during the school day.

Elementary principals should also consider the following when creating their Safe Entry Plan:

- Times that the secure front door access system will be active.
- Doors that will be unlocked for access to the school when the secure front door access system is not in use.
- Ability to monitor any unlocked door during the school day.
- Childcare/Tenant access to the school.
- After hour access i.e. Continuing Education classes, permit usage, etc.

8.2 Secondary Schools:

Each secondary school will establish, review and communicate which doors are open, locked and to be used by whom during specified times. This plan should be reviewed annually and shared with all members of the school community.

Secondary principals should consider the following when creating their Safe Entry Plan:

- Times that doors will be locked and unlocked.
- Ability to monitor any unlocked door(s) during the school day.
- Childcare/Tenant access to the school.
- After hour access i.e. Continuing Education classes, permit usage, etc.

8.3 School Board Sites:

Sites, other than schools will establish, review and communicate which doors are open, locked and to be used by whom during specified times. This plan should be reviewed annually and shared with all members of their community.

Site managers should consider the following when creating their Safe Entry Plan:

- Times that doors will be locked and unlocked.
- Ability to monitor any unlocked door(s) during the school day.
- Childcare/Tenant access to the school.
- After hour access i.e. Continuing Education classes, permit usage, etc.

## Responsibilities

**The Board of Trustees is responsible for:**

- Ensuring alignment with the Safe, Inclusive and Progressive Schools Directional Policy; and,
- Review the Access and Trespassing Administrative Procedure as part of its regular policy and procedures review cycle.

**The Director of Education is responsible for:**

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.

**Superintendent of Safe Schools is responsible for:**

- Reviewing and revising this Administrative Procedure as necessary.

**Family of Schools Superintendents are responsible for:**

- Supporting principals in the implementation of this Administrative Procedure.

**Principals and Vice-Principals are responsible for:**

- Maintaining a visitor's book in the school and ensuring that all visitors sign in and out of the building.
- Ensuring that all visitors are screened for appropriate access to staff and students. This may include referring to Aspen or the Ontario Student Record (OSR) for special custody notes.
- Ensuring that all visitors are familiar with safety procedures specific to the building and grounds.
- Ensuring all visitors to schools' procedures are widely circulated and publicized within the school, at the beginning of the school year; and,
- Refusing admittance to the school, a person whose presence in the school would, in the principal's judgement, be detrimental to anyone in the school.

**School Staff are responsible for:**

- Immediately reporting all individuals who are known to not have access to school/board premises to school administration.

## Progress Indicators

- Schools develop and implement processes for managing visitors to schools.
- Schools provide a welcoming school environment for visitors.

- Schools provide a safe learning environment for all students and staff.
- Schools conduct an annual review of all trespass letters issued.
- This Administrative Procedure will be reviewed and amended, as required. At a minimum, it will be reviewed every five years after the effective date.

## Definitions

**Board** - refers to the Catholic District School Board of Eastern Ontario, which is also referred to as "CDSBEO."

**Board Premises or Board Property** - refers to any CDSBEO land, premises, location or thing at, upon, in or near which a student learns or an employee works.

**Occupier** - refers to: a) a person who is in physical possession of premises, or b) a person with responsibility for the control over the condition of the premises, or the activities carried out there, or control over persons allowed to enter the premises, notwithstanding that there is more than one occupier for the same premises.

**Premises** - refers to lands and structures, or either of the, and includes a) water, b) ships and vessels, c) trailer and portable structures designed or used for residence, d) business or shelter, e) trains, railway cars, vehicles and aircraft, except while in operation.

**CDSBEO** - refers to the Catholic District School Board of Eastern Ontario, which is also referred to as the "Board."

**Visitor** - refers to a parent, guardian, or family member of a child attending a Roman Catholic school; a member of the board that operates the school; a member of the Legislature in the member's constituency, with prior approval of the board; a member of the clergy of the Roman Catholic Church in the area where the member has pastoral charge; or any other person who is not on the current staff register for the school.

## References

- Education Act, R.S.O. 1990, c. E.2 (ontario.ca)
- Trespass to Property Act, R.S.O. 1990, c. T.21 (ontario.ca)
- O. Reg. 474/00, Access to School Premises