



**MOOSONEE DISTRICT
SCHOOL AREA BOARD**

BOARD GOVERNANCE POLICY	
Motion	2016-09-008
Adopted	September 27, 2016
Last Revised	
Review Date	

ACCESS TO SCHOOL PREMISES

1. PURPOSE

The Moosonee District School Area Board has developed this governance policy to ensure that the Board provides a safe and welcoming learning and working environment.

The Board encourages visitation in the school and use of school facilities during and after school hours by the community. To ensure that Board facilities and property are used in a manner that is beneficial to the students, staff, and community, the Moosonee District School Area Board and its employees will deter and may prosecute those who jeopardize the learning environment.

This policy applies to all persons accessing school premises under the jurisdiction of the Moosonee District School Area Board.

2. DEFINITIONS

Authorized Person: An authorized person is a person as specified in subsection 3.3 of this policy.

Occupier: Under the *Trespass to Property Act*, “occupier” includes a person who is in physical possession of premises; or a person who has responsibility for and control over the condition of premises or the activities there carried on; or control over persons allowed to enter the premises. The *Trespass to Property Act* allows educators to exercise control over persons entering onto their property and gives educators powers of arrest and detention.

School/Board Premises: These premises include the school Board buildings, and all adjacent Board property which is attached to the school or Board buildings.

Trespassing: Trespassing is an offence under the *Trespass to Property Act*. An offence is committed where:

- a) a person who has no legal right to do so enters on a school site when entry is prohibited by signs or other notice(s).
- b) a person engages in an activity on a school site where the activity is prohibited by signs, markings, or other notices.
- c) A person, who has no legal right to remain, has been directed by an occupier to leave the school site and does not do so.

3. POLICY

- 3.1. Moosonee District School Area Board recognizes that control of access to school premises under its jurisdiction shall be in accordance with the provisions of sections 212(1), 265(m) and 305 of the *Education Act* and Ontario Regulation 474/00—Access to School Premises.
- 3.2. The Board authorizes the supervisory officer, system and school administrators, and staff members to exercise all the rights and duties of occupiers under the provisions of the *Trespass to Property Act*. Student employees and casual employees are not authorized to act as occupiers.
- 3.3. The Board recognizes that the following persons are permitted to be on school premises, subject to any lawful restriction:
- a) a person enrolled as a pupil in the school;
 - b) a parent, guardian or person having daily care and control of a pupil under age 18 years;
 - c) a person employed or retained by the Board;
 - d) a person who is otherwise on the premises for a lawful purpose (e.g. delivering mail, voting);
 - e) a person who is invited by school official(s) to attend an event, a class or a meeting on school premises, providing the person is on the premises for that purpose; and
 - f) a person who is invited onto school premises for a particular purpose by the principal, vice-principal, or another person authorized by Board policy, provided the person is on the premises for that purpose and complies with any restrictions on his or her attendance.
- 3.4. An authorized person, identified in subsection 3.3, is not permitted to remain on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises in the judgment of the principal, vice-principal, principal designate, or another person authorized by the Board to make such a determination.
- 3.5. Where appropriate, the principal or designate shall restrict access to specified areas of the school.
- 3.6. The Board has the right to lock the school premises when the premises are not being used for a purpose authorized by the Board.
- 3.7. All visitors, including parents/guardians, must report to the main office of the school. The school will implement a sign-in procedure and/or identification process, e.g. badges for all visitors.
- 3.8. A person is not permitted to remain on school premises if the person fails to report or sign in as required.
- 3.9. Regular visitors working with students shall have a criminal record check with vulnerable sector screening and shall sign a confidentiality form.

- 3.10. During school operations, all entry locations into the school shall remain locked and inaccessible from the outside. Entry shall be only at the front entrance where visitors must buzz in for entry.

4. PROVISIONS OF THE LEGISLATION

- 4.1. Every person who is not acting under a right or authority conferred by law and who, without the express permission of persons authorized by the Board:

- a) enters on premises when entry is prohibited; or
- b) engages in an activity on premises when the activity is prohibited; or
- c) does not leave the premises immediately after directed to do so by the authorized person;

is guilty of an offence.

- 4.2. The principal, vice-principal, or designate shall exercise the rights of the Board as an occupier under the provisions of the *Trespass to Property Act*, sections 212(1), 265(m) and 305 of the *Education Act*, and Ontario Regulation 474/00 with respect to an individual determined to be in non-compliance with provisions of this policy.

- 4.3. Unauthorized visitors shall be given notice in accordance with the *Trespass to Property Act*. Copies of the notice shall be forwarded to the police and the supervisory officer.

- 4.4. Failure of an individual or individuals to comply with this policy, subsequent to receiving a verbal or written warning by a school official, may result in charges under the *Trespass to Property Act* or the Access to School Premises Regulation 474/00. Conviction of an offence may result in a fine of up to \$2000.00.

5. STAFF RESPONSIBILITIES:

- 5.1. The *Trespass to Property Act* authorizes occupiers to limit access to premises or to prohibit specific activities by means of markers or signs.

- 5.2. The school principal or vice-principal, or his or her designate, may wish to issue a written notice, warning an individual against trespassing on the premises of the Moosonee District School Area Board.

- 5.3. In dealing with incidents of trespassing, employees of the Moosonee District School Area Board should make every attempt to maximize cooperation and minimize confrontation.

- 5.4. The recommended procedure for dealing with trespassers is outlined below:

- a) **Under no circumstances are staff members expected or encouraged to challenge visitors to the point of confrontation.**

- b) Staff members will greet visitors on the premises and introduce themselves as staff.
- c) Staff members will confirm with visitors that they have reported to the main office. If they have not, the visitors will be asked to report to the main office.
- d) Staff members will report immediately to administration situations where visitors refuse to comply as requested. Details of the report should include, if possible:
 - location
 - name(s)
 - physical description(s)
 - action(s) of the visitor(s) on being requested to report to the main office
 - witnesses
- e) The staff member shall assist with the filing of an incident report.

6. ADMINISTRATOR RESPONSIBILITIES

- 6.1. School administrators (principal, vice-principal, and/or designate) will respond promptly and consistently to staff reports of visitors on the premises.
- 6.2. Responses will depend on reported circumstances, but should fall within the following guidelines:
 - 6.2.1. Identified Individuals Who Leave the Premises
 - a) Document the incident as per the "Trespass to School Incident Report" in Appendix A.
 - b) Issue a trespass notice as per "Trespass Notice Form" in Appendix B.
 - c) Notify the police and provide a copy of documentation.
 - 6.2.2. Unidentified Individuals Who Leave the Premises
 - a) Document the incident as per the "Trespass to School Incident Report" in Appendix A.
 - b) Notify the police.
 - 6.2.3. Identified or Unidentified Individuals Who Refuse to Leave the Premises
 - a) Contact the police. (336-2320/ 336-2955)
 - b) Assume responsibility for such actions as:
 - isolating an area
 - restricting student(s) and/or staff member(s) from the area or contact
 - meeting the police
 - documenting the incident as per Appendix A.

7. POLICE INVOLVEMENT

- 7.1. Upon the arrival of police on the scene, administrators must acknowledge that police are in charge of the area affected by the reported offence and must cooperate to the fullest extent possible.
- 7.2. Charges against previously served trespassers and trespassers who are on the premises and who refuse to leave may be laid by the police or any authorized individual who feels he or she can obtain witnesses to substantiate the charge.
- 7.3. All employees involved in the incident, or witness to the incident, should file an incident report. If the incident results in a court hearing, the information recorded in the incident report is essential. If the incident is considered by the principal to be of a serious nature or if the incident results in a court hearing, a copy of the incident report(s) should be sent to the Board office.
- 7.4. In all incident reporting to police, the extent and clarity of information provided will impact on the ability of police to respond appropriately.
- 7.5. All telephone reports must include:
 - a) a description of what is happening;
 - b) the number of persons involved;
 - c) the refusal of persons to identify themselves and/or leave the site; and
 - d) the potential for confrontation and violence.

8. TRESPASS REPORTS

8.1. The Incident Report (Appendix A)

The Trespass Incident Report should include as much of the following information as possible:

- a) a description of the incident;
- b) a description of the offender(s) including:
 - physical appearance;
 - name, address, telephone, where possible; and
 - names and addresses of witnesses

8.2. The Trespass Notice (Appendix B)

- a) The school principal or vice-principal or his/her designate may wish to issue a trespass notice to an individual, warning that his/her future presence on Moosonee District School Area Board premises will be considered trespassing.
- b) This notice may be issued to an individual who has repeatedly returned to the school after a verbal warning or to an individual who has attempted to disrupt the learning environment.

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- c) This trespass notice may be given at the initial incident, or when an individual has returned to the premises after having received a verbal notice, or as part of the procedures for suspension or expulsion from school of a student who has a history of disrupting the learning environment.
- d) Four copies of the trespass notice shall be made and distributed as follows:
- the original to the individual warned;
 - one copy to the Secretary-Treasurer of the Board;
 - one copy to the Ontario Provincial Police (O.P.P.); and
 - one copy retained for the school files.
- e) The trespass notice is to be completed by the occupier and signed by the recipient or completed by the occupier and sent by registered mail to the recipient.
- f) Any persons in receipt of a Notice of Trespass to School Incident Report (Appendix A), the persons name shall be posted on the information board in the staff room and updated annually.

9. SIGNAGE

At the school site, all normal access points will be signed to welcome visitors and request that they report to the main office.

REFERENCE DOCUMENTS

Legal:

Trespass to Property Act

Education Act, Subsection 212 (1) Disturbance of School or Class

Education Act, Paragraph 265 (1) (m) Access to School or Class

Education Act, Paragraph 265 (1) (n) Visitor's Book

Education Act, Section 305 Access to School Premises

Education Act, Part XIII Behaviour, Discipline and Safety

Ontario Regulation 474/00 Access to School Premises

PPM No. 141 School Board Programs for Students on Long-Term Suspension

PPM No. 142 School Board Programs for Expelled Students

Board:

Board Policy GOV-01 Board Philosophy, Goals, and Values

Board Policy GOV-03 Role of the Corporate Board

Board Policy GOV-04 Role of the Supervisory Officer

Board Policy GOV-09 Safe Schools: School Code of Conduct

Board Policy GOV-17 Appeals and Hearings Regarding Student Discipline: Suspension and Expulsion

Administrative Procedure 378 Student Discipline: Suspension

Administrative Procedure 379 Student Discipline: Expulsion

APPENDIX A

TRESPASS TO SCHOOL INCIDENT REPORT

Date of Incident: _____

Location of Incident: _____

Use of School: _____

Time of Incident: _____

Regular Program	Extra-Curricular Program
	<p style="text-align: center;">Permit issued to:</p> <p>Name</p> <p>Group</p> <p>Address</p> <p>Telephone</p>

Describe the incident:

Include the following: Chronological order of events; attitude of the offender; type of language used by the offender; the number of people affected by the incident; and how they were affected.

Describe the offender:

Include appearance, clothing, and status (student, ex-student, etc.)

List below, name(s) and address(es) of witness(es), if any:

Were the police called? _____

Signature: _____

Position: _____

School: _____

Date: _____

APPENDIX B

TRESPASS NOTICE

Name in full: _____

Of Street Address: _____

City: _____ Province: _____

Date of Birth: _____

TAKE NOTICE:

From this day forth you are not to enter on the lands or premises of the Moosonee District School Area Board listed below:

This notice is given pursuant to the *Trespass to Property Act R.S.O. 1990*, served on the _____ [day] of _____ [month], _____ [year] by _____ [name], a person authorized by the Moosonee District School Area Board of Education.

Received: _____

SECTION 2 OF THIS ACT STATES IN PART THAT:

Every person who is not acting under a right or authority conferred by law and who enters on premises when entry is prohibited under this Act...is guilty of an offence and on conviction is liable to a fine of not more than \$2000.