

# YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> <b>Facilities</b>	<i>Policy Number</i> <b>701</b>
<i>Former Policy #</i> <b>611</b>	<i>Page</i> <b>1 of 9</b>
<i>Original Approved Date</i> <b>September 25<sup>th</sup>, 2001</b>	<i>Last Approved Date</i> <b>April 6<sup>th</sup>, 2010</b>

**POLICY TITLE: ACCESS TO SCHOOL AND BOARD PREMISES (“the Premises”)  
(TRESPASS TO PROPERTY)**

## SECTION A

### 1. PURPOSE

The York Catholic District School Board encourages and welcomes students, staff, parents, guardians, and other individuals from the community to its premises for purposes sanctioned by the Board. While present, all persons shall respect the Vision of the Board and adhere to those policies and behaviours that support a safe and secure environment. It is also understood that a person(s) may be prohibited from accessing a premise when the person(s) is not authorized to be there. This policy and related Acts and Regulations provide direction to those responsible for maintaining safe and secure environments.

### 2. POLICY STATEMENT

It is the policy of the York Catholic District School Board to provide a safe and secure work place and learning environment by governing access to school and Board premises, and to respond to unauthorized visitors in accordance with relevant legislation and Board policy.

### 3. PARAMETERS

- 3.1 This policy applies to all persons accessing the premises under the jurisdiction of the York Catholic District School Board.
- 3.2 The principal, vice principal or designate have the authority to exercise the rights of the Board as occupier with respect to an individual determined to be in non-compliance with the provisions of this policy.
- 3.3 Schools shall require that during the school day all visitors enter their name and the purpose of the visit in a logbook.
- 3.4 Schools may require the wearing of visitor/name badges on the premises.
- 3.5 Other board premises may require that visitors enter their name and purpose of the visit in a logbook.

## **4. RESPONSIBILITIES**

### **4.1 Director of Education**

- Oversee the implementation of this policy in cooperation with senior administration.

### **4.2 Superintendent of Plant**

- To ensure that appropriate procedures are in place with respect to issuing permits for Use of School facilities; and
- To ensure that appropriate and available signage is available for schools.

### **4.3 Principal**

- To ensure the implementation and management of this policy at the school level;
- To refuse to admit to the school or classroom a person whose presence in the school or classroom would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils;
- To review and communicate the guidelines regarding school access to the staff, students, Catholic School Council and parent community annually;
- To ensure that all entrances to school premises are clearly posted with appropriate signage; and
- To maintain and situate for easy reference an up-to-date Emergency Preparedness Plan.

### **4.4 Staff**

- To support the school administration in ensuring a safe and secure working and learning environment;
- To report suspicious or unauthorized persons to the principal/designate/supervisor as soon as possible;
- To ensure visibility throughout the school and the school grounds; and
- To assist in determining the reason for a person's presence on school premises by identifying him/herself in a professional manner and directing the person to the school office in order to register their presence.

## **5. DEFINITIONS**

### **5.1 School and Board premises**

- Includes, but is not limited to, a school building, a facility of the Board, and/or an alternative setting where education or an educational activity is occurring.

### **5.2 Access to schools/School property**

- Means 24 hours per day, seven days a week.

## **6. CROSS REFERENCES**

Education Act: 305 (4)

Ontario Regulation 474 /00 - Access to School Premises

Provincial Offences Act

YCDSB Policy 218

Code of Conduct

YCDSB Policy 303

Educational Out of Classroom Activities

YCDSB Policy 701

Community Use of Schools

Appendices A, B, C

**POLICY TITLE: ACCESS TO SCHOOL AND BOARD PREMISES  
(TRESPASS TO PROPERTY)**

**SECTION B**

**GUIDELINES:**

1. The following persons are permitted to be on the premises, subject to any lawful restrictions:
  - 1.1 A person enrolled as a pupil in the school;
  - 1.2 A parent, guardian or person having daily care and control of a pupil under 18 years of age;
  - 1.3 A person employed or retained by the Board;
  - 1.4 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;
  - 1.5 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 person and complies with any restrictions on their attendance;
  - 1.6 A trustee of the Board; and
  - 1.7 A member of the clergy for the Roman Catholic Church who has pastoral charge of the area in which the school is situated.
  - 1.8 A person who is otherwise on the premises for a lawful purpose; and
  - 1.9 A person accessing Board facilities in accordance with the Community Use of Schools Policy.
2. Persons authorized to be on the premises must sign in/out, as specified; provide photo identification, if requested; and wear a visitor/name badge, where required.
3. Persons authorized to be on the premises are not entitled to have access to all areas of the school or facility and shall only access areas as permitted by the principal or designate.
4. The Board has the right to lock the premises when the premises are not being used for a Board authorized purpose.
5. A visitor is not permitted to remain on the premises if the person fails to report his or her presence in the specified manner.
6. An authorized person (see 1 above) is not permitted to remain on the 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.
7. 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 Schools Regulation.
8. Each school shall maintain a list of individuals who may have restricted access to the school premises as a result of a court order or who have been denied access through an exclusion letter. This list is to be maintained in the school office and made accessible to staff.
9. All York Catholic District School Board buildings shall use and clearly display appropriate indoor signage (see Appendix B). The signage shall be posted at all entrances, on the right-hand exterior doors, on the left-hand side, where possible.



## TRESPASS TO PROPERTY ACT R.S.O. 1990 c.T.21

**Relevant Sections**

- s.1 (1) Lays out the definitions for “occupier” and “premises” under this Act  
“occupier” – (b) is of special significance to the schools or an occupier can be an individual who has responsibility for and control over the condition of the premises or the activities carried out there or has control over the individual allowed to enter the premises.
- Such a definition includes principals and their designate as occupiers.  
“premises” – is defined as lands and structures and (a) to (d) further expands on the definition to include things such as vehicles, portable structures, etc.
- (2) This section states that school boards have all the rights and duties of an occupier with respect to its school sites as defined in the Education Act.
- s.2 (1) Any one who without legal authority and who,
- (a) without the definitely stated permission of the occupier, the proof of which rests upon the defendant,  
(i) enters on premises when entry is prohibited by this Act, or partakes in an activity on premises when the activity is prohibited by this Act; or
- (b) does not leave the premises or an individual authorized by the occupier is guilty of an offence and a conviction is liable to a fine of not more than \$2,000.
- (2) This section delineates a defense that applies to anyone charged under 2(1) in respect to premises that are land, that reasonably believed that they had title to or interest in the land the entitled them to do the activity complained of.
- s.3 (1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises if the conditions in S.3 (1) (a) and (b) are met.
- (2) There is an implied permission for the lawful use and approach of the door of a building on a premises.
- (3) Where notice is given that certain activities are permitted, all other activities and entry for the purpose of those other activities is prohibited. As well any additional notice that entry or a particular activity under this Act unless the driver is convicted of the offence or, at the time the offence was committed, the motor vehicle was in possession of someone other than the driver without the driver’s consent.
- s.12 (1) If an individual is convicted of an offence under s.2 has caused another individual to suffer damage as the result of the commission of the offence, the court must at the request of the prosecution and with the consent of the individual who suffer the damage, determine the damages and must make a judgment for damages against the individual convicted in favour of the individual who suffered damages but no judgment can be for an amount in excess of \$1,000.
- (2) If a private prosecutor is used in a prosecution under s.2 and the defendant is convicted, and unless the court finds that the private prosecutor was not necessary to the occupier, the court must determine the actual costs, reasonably incurred in conducting the

prosecution and despite s.6 of the Provincial Offenses Act must order those costs to be paid by the defendant to the prosecutor.

- (3) A judgment for damages under s.12 (1) or the awarding of costs under s.12 (2) must be in addition to any fine that is imposed under this Act.
- (4) If an individual receives a judgment for damages under s.12 (1), their right to bring a civil action, arising from the same set of facts, for damages against the person convicted is eliminated.
- (5) A failure to request or a refusal to grant a judgment for damages under s.12 (1) does not affect the right to bring a civil action for damages arising out of the same set of facts.
- (6) The judgment for damages under s.12 (1), and the award of costs under s.12 (2) may be filed in the Small Claims Court and shall be deemed to be a judgment or order of that court for the purposes of enforcement.



York Catholic District School Board

# NOTICE

## **FOR THE SAFETY OF OUR SCHOOL COMMUNITY**

- \* ALL VISITORS MUST REPORT TO THE MAIN OFFICE
- \* THIS IS PRIVATE PROPERTY
- \* TRESPASSERS WILL BE PROSECUTED
- \* VIDEO SURVEILLANCE MAY BE IN USE
- \* THIS IS A SMOKE-FREE BUILDING
- \* SAFE SCHOOLS POLICY IS STRICTLY ENFORCED
- \* ALL PETS ARE PROHIBITED FROM SCHOOL PROPERTY

**Elementary – Inside**



York Catholic District School Board

# NOTICE

## **FOR THE SAFETY OF OUR SCHOOL COMMUNITY**

- \* ALL VISITORS MUST REPORT TO THE MAIN OFFICE
- \* SMOKING IS PROHIBITED ON SCHOOL PROPERTY
- \* THIS IS PRIVATE PROPERTY
- \* TRESPASSERS WILL BE PROSECUTED
- \* VIDEO SURVEILLANCE IS IN USE
- \* SECURITY OFFICERS MAY BE ON SITE
- \* SAFE SCHOOLS POLICY IS STRICTLY ENFORCED
- \* ALL PETS ARE PROHIBITED FROM SCHOOL PROPERTY

**Secondary – Inside**



York Catholic District School Board

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- \* ALL PETS ARE PROHIBITED FROM SCHOOL PROPERTY
- \* UNAUTHORIZED VEHICLES WILL BE TAGGED AND/OR TOWED AT OWNER'S EXPENSE

**Outside Elementary & Secondary**