



Administrative Procedures Memorandum

#: APC007

Access to Pupils and Schools / Trespass to Property

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Memo To: All Staff

From: Director of Education

ACCESSIBILITY:

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PURPOSE:

To establish a framework for principals and school staff in identifying visitors to schools with a statutory right to visit according to the Education Act and Regulations and those who can benefit pupils and staff.

REFERENCES:

- [APC011: Access to Students in Crisis](#)
- [APC013: School Board - Police Protocol](#)
- [APO001: The Use of Volunteers in a School Setting](#)
- [APC023-02F - Student Image, Video or Voice Recording Including Media Use - Consent](#)
- [Education Act and Regulations 474/00](#)
- [Municipal Freedom of Information and Protection of Privacy Act, 1999 \(MFIPPA\)](#)
- [Personal Health Information Protection Act \(PHIPA\)](#)
- [Trespass to Property Act](#)
- [The Ontario Student Record Guideline](#)
- [Ontario College of Teacher Act, Reg. 437/97 Professional Misconduct](#)
- [Ethical Standards for the Teaching Profession](#)
- [IV 002 Treatment of Public](#)
- [IV 003 Board Policy Treatment of Students](#)

FORMS:

- APC007-01F: [Trespass to Property Notice](#) (Staff)
- APC007-02F: [Trespasser at School Site: Police Enforcement](#) (Staff)

REPORTS:

- N/A.

APPENDICES:

- Appendix C: [Protocol Governing Access to Schools/ Students in Schools](#)

COMMENTS AND GUIDELINES:

The Waterloo Catholic District School Board (WCDSB) is committed to working collaboratively with parents and community educational, legal, medical and social service professionals/paraprofessionals to assist in the development of educational programs and supports that meet the needs of our students.

Therefore, the WCDSB permits access to, or interviews with pupils within the schools with prior consent, or in the presence of custodial parents, and generally in the presence of the principal according to the procedures described below.

Visitors are also welcome to share in the life of our schools. In order to protect personal privacy of students and parents and the professional integrity of staff, visitors must adhere to the Municipal Freedom of Information and Protection of Privacy Act involving any personal information.

ACCESS TO SCHOOLS

Categories of Visitors Seeking Access to School/Students

Access to pupils will be permitted through the authorization of the Principal, a Vice-Principal or another person authorized by Board policy to do so. Such authorization should be guided by those values and criteria which are consistent with the goals of our Multi-Year Strategic Plan and our Catholic Graduate Expectations. Persons who may seek to have access to or to interview pupils enrolled in WCDSB schools may be divided into the following categories;

1. A person enrolled as a pupil in the school.
2. A parent or guardian of such a pupil.
3. A person employed or retained by the board.
4. A person who is otherwise on the premises for a lawful purpose.
5. A person who is invited to attend an event, a class or a meeting on school premises is permitted to be on the premises for that purpose
6. A person who is invited onto school premises for a particular purpose by the principal, a vice-principal or another person authorized by the Board.

Before permitting access, it is the responsibility of the principal to ascertain the class into which the person seeking such access may fall, and to apply these procedures accordingly. The [Protocol Governing Access to Schools/ Students in Schools](#) (APC007-CX: Appendix C) provides an overview of access criteria.

Access to Schools

The right to visit a school **does not** entitle a person to have access to all areas of the school premises. Similarly, the right of a visitor to be on school premises **does not** restrict the right of the Board through the Principal to lock the school premises when the premises are not being used for a purpose authorized by the Board.

Elementary school Principals shall keep locked all exterior doors to ensure the safety of pupils, staff and visitors and ensure the authorized business of the school. Secondary school Principals shall open only those doors that are required for the normal conduct of the school, limiting access to unauthorized visitors.

When a Person is Not Permitted to Remain on School Premises

A person 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, a vice-principal or another person authorized by the board to make such a determination.

A person is not permitted to remain on school premises if a WCDSB policy requires the person to report his or her presence on the premises in a specified manner and the person fails to do so.

Steps in Dealing with an Unwanted Visitor

1. Ask the visitor to leave.
2. If the visitor refuses to leave, the Waterloo Region Police Services (WRPS) may be called to deal with the individual(s). The police may, in consultation with the Principal, (or designate) (a) lay a charge or (b) issue a warning.
3. If the visitor has left the property, the Principal may still inform the police that the person's presence is detrimental to the safety or well-being of persons at the school and request that the police take action as outlined above; that is (a) lay a charge or (b) issue a warning.
4. Principals may issue a warning or Trespass Notice by forwarding a registered letter/ notification to the residence of the visitor. Where the visitor is under 18 years of age, the form is forwarded to the parent/guardian of the visitor. The form should point out the relevant section of the Education Act and the potential maximum fine upon conviction (\$10,000), see [Trespass to Property Notice](#) (Form APC007-01F)
5. One copy of the form is retained at the school for seven years.
6. One copy of the form is forwarded to the Supervisory Officer for that Family of Schools.
7. One copy of the form is forwarded to the Regional Youth Sergeant of the WRPS, 200 Maple Grove Road, Cambridge, Ontario N3H 5M1
8. [Trespassers at School Sites: Police Enforcement](#) (Form APC007-02F) is the standard form on file with WRPS for enforcement. It can be reproduced upon request by WRPS.

The Principal may prohibit the person from access to the premises for a period not to exceed one (1) calendar year. The Principal may establish reasonable conditions for the person's return to the school premises.

Procedures to Follow for Access to Pupils/Schools

Appointment for Access/Interviews

Each school community plans and schedules activities for the general benefit of the pupils enrolled in the school. Persons seeking access to pupils during such times may disrupt these activities to the detriment of the pupils involved.

In all cases, therefore, persons seeking access to pupils are expected to make an appointment in advance so that mutual convenience and minimal disruption may be assured. This may not strictly apply to Board staff or to Board consultants, at least to the extent that they regularly attend the school in discharge of their duties and make suitable arrangements with the principal.

Report to The Office

Signs will be displayed at all entrances notifying visitors that they must report to the main office for authorization to visit. Signs to prohibit unauthorized vehicles will be displayed on the school grounds. All signs will comply with the requirements of the Trespass to Property Act S. 5-7. Upon arrival at the school, all visitors are required to report to the office, thus giving the principal the opportunity to meet and welcome them.

Visitors are requested to sign the Visitor's Book, stating name, address and reason for the visit and receive a visitor's identification tag.

(In lieu of reporting to the office, Principals may require parents of JK/SK students, for example, to report to the classroom or designated area at arrival/departure time to pick up the parent's/guardian's child.)

In all situations, Principals and staff ensure that appropriate identification procedures are in place before a student leaves the premises with an adult. In all cases, the safety of the student prevails.

Identification Of The Person

Because of the obligation of the Board, the Principal, teachers, and other staff to safeguard the welfare of pupils in appropriate cases, the Principal must be satisfied that the visitor is the person who he/she purports to be.

Unless the visitor is known to the Principal, proper identification should, with sensitivity and discretion, be insisted upon. This may be accomplished, among other ways, by:

- Personal identification of the visitor by someone in the school;
- Production of a driver's license;
- Verification of information given by the visitor against information contained in school records.
- Board staff have a photo identification badge which is to be worn while in the Board's schools.
- Identification from the organization that the person/visitor represents

Refusal Of Access

Where, because of demeanour or other reason, the Principal determines that the presence of the visitor would be detrimental to the physical or mental well-being of a particular pupil or of pupils in general, the Principal has the power under the Education Act to, and should, refuse admission to the visitor.

If the subject refuses to comply, the police will be called. In such an event, those involved will record the following information, if known:

- The name and address of the trespasser
- A description of the individual's hair, size, clothing, etc.
- Details of the incident
- License and description of any vehicle used by the trespasser
- If feasible, a photo may be taken of the trespasser.

Whenever possible, trespassers will be issued the appropriate trespass notice. This notification will be either hand delivered in the presence of witnesses or will be delivered by registered mail, with copies of the notification sent to the police, to the Principal of Safe, Inclusive and Accepting Schools, and to the Family of Schools Superintendent. Incidents of trespassing may result in prosecution pursuant to the Trespass to Property Act, the Education Act and Regulations, and any other relevant statutes.

Trespass notices may be rescinded at any time by the school Principal and/or the Family of Schools Superintendent where it is determined that the individual's presence would no longer be detrimental to the safety or well-being of a person on the premises.

Trespass notices should be reviewed on an annual basis by the school Principal and/or by the Family of Schools Superintendent to determine if the trespass notice should remain in effect for the following school year.

However, the Principal is required to advise the visitor that he/she has the right to appeal that refusal directly to the Board through the Director of Education.

Access To Information

Even if a person has a right to be present in the school operated by the Board, and may be given access to a pupil, such right does not carry with it the right to have access to information in the possession of the Board, the Principal or the School.

ACCESS TO PUPILS

Procedures for Classes of Persons Seeking Access to Pupils

Access By WCDSB Staff, WCDSB Consultants and School Volunteers

Because the work of the Board covers such a wide variety of activities, some educational in character (specialists, itinerant staff, related professionals, etc.) and some not (building construction and maintenance, air quality, etc.), the needs of the pupils and staff are served by many persons whose duties take them from school to school. Principals may not always be familiar with all who attend their schools for the purpose of supplying these services. Once they have been identified as WCDSB staff or consultants, the regular school staff is expected to co-operate as required in order that their skills may be applied for the benefit of the particular pupils they are to serve.

Volunteers from the home, parish and community are welcomed resources in our schools. Principals are to follow the Administrative Procedures Memorandum, The Use of Volunteers in a School Setting (APO001).

Access By Custodial Parents And Their Delegates

It has long been an understanding of WCDSB that the schools under its jurisdiction should aim to foster close school/community relations, particularly as a means of encouraging parents to take a substantial interest in the activities of the school and the participation of children in such activities. This objective, of course, must be seen in the light of the obligation of the Board with respect to the overall educational process within each individual school.

In the vast majority of cases, therefore, the Principal will co-operate with the custodial parent who wishes to visit with one or more of his/her children, even during school hours when classes or other activities are in progress. This co-operation will generally be extended to a person who is known to be the delegate of the custodial parent. The decision to refuse such access, or to impose controls on such access, must be exercised with considerable care and delicacy.

Access By Non-Custodial And Separated Parents

Where the parents of a pupil are separated or divorced, the person seeking access to the pupil may be the parent other than the parent with whom the pupil is then living.

Care should be taken that the school is not drawn into the middle of a domestic dispute and used as a tool by one parent against the other, or even (no matter how unlikely) to ensure that the school does not become an unwitting participant in a kidnapping.

It is clear that a separated or divorced parent remains a parent and is therefore entitled to access to the pupil unless and until the right of access is removed by Court Order or by a term of a separation agreement. Special circumstance may determine different protocol as per Access to Students in Crisis (APC011).

Access By Police

Please refer to Administrative Procedures Memorandum School Board - Police Protocol (APC013).

Access By Family and Children's Services (FACS)

In the case of a child who is a ward of the Crown or a Children's Aid Society (known in Waterloo Region, as FACS), FACS, by law, stands in the role of the parent. All of the above procedures that deal with the custodial parent apply equally to such Family and Children's Services.

In addition, FACS has an obligation by law to afford protection to children in need thereof, and for this purpose, have the power to apprehend such children. Staff should consult the specific policies of the Board related to these matters. See Note 2

At times, Family and Children's Services may attend the school to interview children in the course of a child abuse investigation. Access to the school, student and information as per the Board – FACS Protocol will be followed.

Access by Publicly-Funded Community Professionals and Paraprofessionals

Community, educational, legal and social service professionals and paraprofessionals may either be employed by a publicly-funded government organization, such as a hospital or a social service agency, or they may operate an independent private practice, in which case the client reimburses the professional or paraprofessional directly for services provided.

Publicly funded community professionals and paraprofessionals provide services which may be accessed by any student who meets the eligibility criteria. WCDSB currently has service agreements in place with several local agency service providers and works collaboratively with these groups. These collaborative relationships will be approved and reviewed by Supervisory Officers.

There are essentially four ways these publicly funded community professionals and paraprofessionals work collaboratively with our staff and students. They provide consultation, observation, demonstration and/or direct therapy but will not assume the primary duties and responsibilities that are normally performed by staff of WCDSB.

In all cases, these publicly-funded community professionals and paraprofessionals will adhere to the following procedures;

- Obtain informed parental consent prior to student access
- Report directly to the school principal while in a school setting
- Adhere to all Board policies and procedures
- Ensure confidentiality and disclosure of information to individuals must be in accordance with the legislation

Access by Privately-Funded Community Professionals and Paraprofessionals

At the Principal's discretion, privately-funded professionals and paraprofessionals may attend school meetings for: the purposes of sharing information regarding the pupil's participation in an outside program, and/or results from outside evaluations or testing which may have taken place.

These professionals or paraprofessionals, at the request of the parent/guardian, also act as advocates in the Individual Education Plan (IEP) or Identification Placement and Review Committee (IPRC) process. Privately-funded professionals and paraprofessionals may not provide direct or consultative services to pupils at school.

Access by Office of the Children's Lawyer

Sometimes Principals are requested to allow a student to be interviewed during school time and on school property by the Children's Lawyer or private social workers hired by lawyers in custody issues. Representatives from the Office of the Children's Lawyer will not be directly provided information nor be permitted to interview children at school.

Upon request, information will be provided to the custodial parent(s) who may provide it to the Office of the Children's Lawyer's representative. The only instance in which information would be provided directly to the Office of the Children's Lawyer or their representative, would be with a court order specifically directing the Board/school to do so.

***Teachers are not to be interviewed by lawyers or private social workers unless subpoenaed.**

Media

From time to time, persons from the media – reporters (radio, print, television, Internet) and photographers or camera operators from newspapers, magazines, radio or television stations seek to interview or photograph staff or students in the school. Only students who have a signed Student Image, Video or Voice Recording Including Media

Use, Consent (Form APC023-02F) on file at their school are permitted to interact in any way with the media on Waterloo Catholic District School Board property or in relation to any WCDSB activity or event.

Researchers

Periodically, researchers from local, provincial and/or federal organizations approach WCDSB to participate in their research project. All requests are reviewed by the Superintendent of Learning; Research Assessment & Evaluations to ensure that the use of humans in the research study has been approved by a Board of Ethics at the research institution.

Research projects approved by the Superintendent will be forwarded for consideration to school Principals. In all cases, student and/or staff participation is voluntary and informed consent measures are to be in place.

Rehabilitative Personal Support Workers

The Board recognizes that, in limited and/or temporary rehabilitative circumstances (e.g. acquired brain injury), it may be in the interest of the student for a personal support worker to provide services at the expense of a third party organization that normally provides such intense rehabilitation services. All requests for this third party rehabilitative support will be made to the Family of Schools' Superintendent and Principal. The approval, denial or termination of personal support services at the expense of a third party organization shall at all times be at the sole discretion and direction of the Board.

Once approval is granted, the third party shall be responsible for actual expenses incurred, including salary and salary-related costs, and related expenditures. The Principal is responsible for supervision and direction of the personal support worker for the duration of the third party rehabilitation service. Principals also must ensure that any such workers have appropriate insurance to work on site in schools.

Access by Others

No access to or interviews with a pupil will be permitted to persons who do not fall into the categories described above (with the exception of rehabilitative personal support workers). (see notes 1 and 2 below)

Note 1:

Whenever the media seeks to enter a schoolyard or school building, the Principal should immediately seek the guidance of the Chief Managing Officer and appropriate Supervisory Officer.

Note 2:

In any case in which there is some question, doubt, or difficulty, the Principal should seek the guidance of the appropriate Supervisory Officer or School Social Worker.