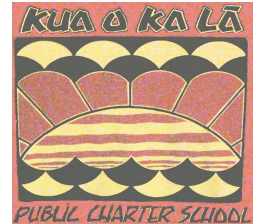


Kua O Ka La PCS

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Trespass Policy

Date Originally Adopted: April 25, 2014

Revisions:

Related Documents:

Background

Kua O Ka La PCS recognizes that maintaining an academic community free from harmful, unlawful and/or disruptive behavior from non-school individuals is essential. Therefore, from time to time, questions arise regarding when and how to issue a trespass notice to an individual from school property.

What does "trespass" mean?

Within the context of this legal memo and the policy and practice of KOKL PCS, 'trespass' means to ban an individual from school property.

What is a trespass warning?

A trespass warning is a verbal or written communication instructing an individual to leave the school grounds or receive a trespass notice. If the warning is given verbally, the principal should follow up in writing so it is well documented.

A trespass warning should be given by the school principal or designee before a trespass notice is issued.

What is a trespass notice?

A trespass notice is a written notice informing an individual that he/she has been banned from a designated property and may not enter that specific district property (such as a school) for a period of one year.

When can a trespass notice be issued?

Some actions can result in an immediate trespass and other actions require a trespass warning.

An individual can be trespassed immediately, without a trespass warning, for the following actions:

- Causing harm or inflicting injury on members of the school community
- Threatening or intimidating members of the school community (Example: Loud and verbally abusive interactions with school staff or faculty; stalking)
- Disrupting the academic and administrative business of the school (Example: persistent, unauthorized visits to classrooms by non-school individuals)
- Causing damage to school or personal property (Example: vandalizing cars in the school parking lot)
- Committing serious or other criminal activity (Example: Dealing drugs)

An individual must receive a trespass warning for the following actions:

- Violating school rules, and/or district policy (Example: Non-students persistently returning to a particular campus; Refusal to identify self) Note: A school may not trespass a currently enrolled student of that school. Trespass is not a substitute for discipline.

Who can issue a trespass notice?

Schools are to control the use of, and access to school grounds, buildings, equipment and other school property.

Police, Principals and their designees can issue a trespass notice.

An administrator or authorities should trespass notices if handed to the individual at the school.

How is a trespass notice delivered?

In most instances, the trespass notice form is filled out ("issued") and handed to the individual ("delivered") after he/she has been warned and has refused to leave campus or meets the immediate trespass criteria. It is highly recommended that principals ask the Police to deliver a trespass notice if delivery is off campus.

If Police are unable to deliver the notice, the option would be to issue the notice through certified mail, return receipt requested.

If a principal or designee is concerned about an aggressive response when delivering a trespass notice, they may ask the police to accompany them.

Once the individual receives the notice, or in the case of mailed notices, once the certified receipt is returned to the Principal, the trespass is active and enforceable. Principals should keep a copy of the trespass notice in their files and send a copy to police.

Who can receive a trespass notice?

The trespass notice can be issued to any individual who refuses to leave school property when asked and then warned by the Principal or designee or police or security individual. The trespass notice will be issued as a last resort. A trespass issue cannot be issued to current students or staff; behavior issues with students or staff must be addressed through other mechanisms.

Trespass Policy

Shall a situation arise and an individual(s) is determined by Principal and/or designee as trespassing, a Trespass Warning will be forwarded. This warning can be verbal or written. The warning will be kept on file and all faculty and staff will be alerted. Shall the individual(s) continue to or repeat the trespass, a Trespass Notice will be implemented. A Trespass Notice will require notification to police.