

YOUNG OFFENDERS INFORMATION SHARING

Background

The Division believes that its primary responsibility is to provide a learning environment that is safe and secure. The Division also believes that its employees require access to information that will enable them to protect the safety of staff and students. This privileged information will be used responsibly and kept confidential to assist in the provision of programs to individual students.

The Division acknowledges the necessity for personnel to work in close cooperation with other agencies responsible for children; specifically youth justice personnel.

Procedures

1. The Superintendent or designate has the authority to supervise the implementation and maintenance of this Administrative Procedure.
2. The Superintendent further delegates authority to the Principal or designate to communicate with youth justice personnel about students who have been dealt with under the Young Offenders Act.
3. The Principal may seek the following types of information from youth justice personnel regarding a specific student concerning:
 - 3.1 Any offences that lead to concerns about the safety of staff and students;
 - 3.2 Prior record of offences that lead to concerns about staff and student safety;
 - 3.3 Recommendations for reducing the risk of violence and increasing the level of safety;
 - 3.4 Patterns of behaviour that may signal the onset of activity that could affect safety;
 - 3.5 Individuals or groups of persons who may be at potential risk from the student; and
 - 3.6 Identification of other youths who were convicted along with the youth as a result of gang activity.
4. The Principal may disclose information only on a “need to know basis” to those staff who may have to provide for the safety of students and staff.
5. In determining the persons to whom to release information, the Principal shall bear in mind that:
 - 5.1 Inappropriate disclosure could result in a fine or imprisonment; and
 - 5.2 The right of the young offender to confidentiality must be maintained.
6. The Principal may advise school personnel who are involved with the young offender about

circumstances to which they are to pay particular attention such as:

- 6.1 Impressing upon the student the requirement to attend school in order to comply with a probation order or conditional supervision or bail;
 - 6.2 Establishing monitoring procedures;
 - 6.3 Developing a program of studies to assist the student in areas such as socialization and anger management; and
 - 6.4 Providing an environment in which the student could pursue studies such as a segregated setting or training for staff in dealing with violent persons.
7. The Principal shall arrange for management of records about young offenders and any such management procedure shall properly address the following:
- 7.1 Storage Files
 - 7.1.1 May be kept at the school but must be kept separate from other student records; and
 - 7.1.2 Shall be kept in a secure and locked location.
 - 7.2 Access shall be:
 - 7.2.1 Restricted to those who require access in order to meet the needs of the student; and
 - 7.2.2 Limited to those positions within the Division placed on a list affixed to the file.
 - 7.3 Destruction of the record shall occur when:
 - 7.3.1 A youth worker notifies the Principal, in writing, that no further safety risk exists; or
 - 7.3.2 A youth worker advises the Principal of the expiry of the court order relating to bail, probation, conditional supervision or temporary absence, which led to creation of the record; or
 - 7.3.3 The student has left the school and no contact from the Attorney General's agent(s) has occurred for three (3) months.
Prior to the destruction of records the youth worker shall be notified.
 - 7.4 Transfer of a Student
 - 7.4.1 The onus is on the youth worker to advise the Principal of the receiving school of the safety concerns, or the Court Order relative to that student.
 - 7.4.2 The Principal of the sending school shall destroy the record on such notice.
 - 7.5 Notification shall be made to the youth worker, in writing, when the Division's record has been destroyed.
8. The Principal, upon request from a youth worker to provide information for a report ordered by a youth court judge, shall arrange for the release of information from the student record after first receiving the following information from the youth worker:
- 8.1 Name;

- 8.2 Age;
- 8.3 The nature of the report to be provided and the section of the Young Offenders Act under which such a report is authorized;
- 8.4 Timelines with respect to providing information;
- 8.5 Specific description of the type of information required such as:
 - 8.5.1 Attendance of the student;
 - 8.5.2 The program or courses in which the student is enrolled;
 - 8.5.3 The performance of the student;
 - 8.5.4 Nature of incidents giving rise to discipline and type of discipline imposed; and
 - 8.5.5 Number of years for which the information is required (for the current school year or the student's entire career in the school).
- 9. Before any information is released the Principal must obtain in writing the consent of the parent, or the student if the student is sixteen (16) years of age or older. Youth workers will have the following options if consent cannot be obtained:
 - 9.1 Subpoena the information;
 - 9.2 Apply to Minister for a decision regarding release of information as per section 3(2) of the Student Record Regulation
- 10. The Principal or designate is authorized to request the Attorney General, an agent of the Attorney General, a peace officer or a provincial young offenders director, to apply on behalf of the Division to a youth court, relative to:
 - 10.1 Disclosing information to the Principal or designate when the Principal or designate believes that a student poses a risk to the safety of school personnel; or
 - 10.2 Disclosing court-ordered psychological assessments; or
 - 10.3 Disclosing information that will assist school personnel in providing an education program for the student and creating an appropriate environment for that program.
- 11. The Principal is the delegated authority to act on behalf of the Division with youth worker supervisory personnel whenever a resolution cannot be reached between a school employee and a youth court worker.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 3, 4, 7, 8, 9, 11, 14, 16, 17, 20, 31, 33, 52, 53, 56, 196, 197, 222 Education Act
 Student Records Regulation 225/2006
 Youth Justice Act
 Section 125, Youth Criminal Justice Act
 Information Sharing Protocol, Young Persons with Status under the Youth Criminal Justice Act
 The Need to Know, A Guide for Timely and Ongoing Information Sharing Between School Officials and Justice System Personnel (The Canadian School Boards Association, 2003)