

YOUNG OFFENDER RECORDS

Background

The District recognizes that from time to time students classified as Young Offenders under the Youth Criminal Justice Act may be enrolled in its schools. Information provided to designated officers of the District under the provisions of amendments to the Act in order to address school safety and security issues, and provide a collaborative and coordinated case management approach to the rehabilitation of the young person will be handled by designated officers of the District in accordance with the provisions of the Youth Criminal Justice Act and its amendments, and any other applicable statutes.

Procedures

1. Access to information provided under amendments to the Youth Criminal Justice Act is restricted to designated personnel.
 - 1.1 The Director of Instruction Inclusive Education of the district the young offender attends shall be the custodian of all information provided by the youth worker.
 - 1.2 The Director of Instruction Inclusive Education shall ensure that no persons other than those with a “need to know” have access to the disclosed information. It is not appropriate to provide all staff with some form of a general bulletin in respect of a young offender where safety issues are a concern.
 - 1.3 School personnel, who deal directly with the student, have a right to information to which appropriate responses can be made in order to preserve the safety of other students or the staff.
 - 1.4 Where a student, a parent or guardian, or a professional (e.g. social worker) requests information for the purposes of further counselling or coordinating services in the best interests of the young offender, the request shall be referred to the youth worker.
 - 1.5 The Director of Instruction Inclusive Education, in determining the persons to whom to release information, shall bear in mind that:
 - 1.5.1 Inappropriate disclosure could result in a fine or imprisonment; and
 - 1.5.2 The right of the young offender to confidentiality must be maintained.
2. Information provided under amendments to the Youth Criminal Justice Act is to be filed and stored under secure conditions.
 - 2.1 Information about a young offender shall be kept separate from the student’s school record and from any other record accessible to other staff.
 - 2.2 A list of the persons to whom the information is to be disclosed shall be appended to the young offender’s file and only those whose names appear on the list shall have access to the file.
 - 2.3 Young offender records shall be kept in a locked cabinet and shall be under the control of the Principal.

- 2.4 Young offender records shall be destroyed when they are no longer required for the purpose for which the information was disclosed.
- 2.5 When a young offender ceases to be a student at the school to which information was provided the young offender records shall be destroyed.
- 3. Ongoing communication between youth justice personnel and school and District staff is encouraged.
 - 3.1 The Director of Instruction Inclusive Education shall inform the youth worker whenever a young offender about whom they have received information transfers to another school.
 - 3.2 It is the responsibility of the youth worker to advise the receiving school about the student's young offender status. The Principal of the sending school shall not forward any young offender files or information to the receiving school when a young offender transfers to another school.
 - 3.3 The Director of Instruction Inclusive Education is to meet regularly with the youth worker in order to:
 - 3.3.1 Be advised of any changes regarding probation, conditional supervision or temporary absence orders, including the expiration of such orders.
 - 3.3.2 Advise the youth worker of attendance or other problems which may result in the young person being found in violation of a court order regarding bail, probation, conditional supervision or temporary absence.
 - 3.4 The Director of Instruction Inclusive Education, upon written 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 portfolio after first receiving the following information from the youth worker:
 - 3.4.1 Name;
 - 3.4.2 Age;
 - 3.4.3 The nature of the report to be provided and the section of the Youth Criminal Justice Act under which such a report is authorized;
 - 3.4.4 Timelines with respect to providing information;
 - 3.4.5 Specific description of the type of information required such as:
 - 3.4.5.1 Attendance of the student;
 - 3.4.5.2 The program or courses in which the student is enrolled;
 - 3.4.5.3 The performance of the student;
 - 3.4.5.4 The nature of incidents giving rise to discipline and the type of discipline imposed; and
 - 3.4.5.5 The number of years for which the information is required (for the current school year or the student's entire career in the school).

Before any information is released, the Principal shall obtain the consent of the parent, or of the student or the parent if the student is sixteen (16) years of age or older.

- 3.5 The Director of Instruction Inclusive Education is authorized to request the Attorney General, an agent of the Attorney General, a peace officer, or a provincial young offender's director, to apply on behalf of the District to a youth court relative to:
- 3.5.1 Disclosing information to the Principal when the Principal believes that a student poses a risk to the safety of school personnel; or
 - 3.5.2 Disclosing court-ordered psychological assessments; or
 - 3.5.3 Disclosing information that will assist school personnel in providing an education program for the student and creating an appropriate environment for that program.
- 3.6 In circumstances where there is a difference of opinion between the youth worker and school staff regarding the nature or extent of information to be provided by one party or the other, the matter shall be referred to the Superintendent for resolution with an appropriate officer of the Young Offenders Branch.

Reference Sections 6, 20, 22, 26, 65, 85 School Act
Youth Justice Act
Youth Criminal Justice Act (Canada)

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