

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION:	300 - STUDENTS	CODE:	AP 321
PROCEDURE:	YOUNG OFFENDERS INFORMATION SHARING		

BACKGROUND

The Division has a responsibility to ensure the safety of students and staff as well as to fulfil the school's role, together with other social service partners, in the early identification, prevention and rehabilitation of young persons.

The Division believes that it is important to develop and maintain communication between schools and social agencies involved with students who are young persons. The Youth Criminal Justice Act enables the development of cooperative measures between school boards and young persons' personnel.

Regulation 125)

(6) The provincial director, a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person — including a representative of any school board or school or any other educational or training institution — any information contained in a record kept under sections 114 to 116 if the disclosure is necessary

(a) to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;

(b) to ensure the safety of staff, students or other persons; or

(c) to facilitate the rehabilitation of the young person.

In making decisions concerning receiving and providing relevant information, the need for balance between the right to know and the rights of the young person to confidentiality must be kept in mind. Staff are to take this responsibility seriously. The consequences for inappropriate disclosure of information could lead to legal action.

PROCEDURES

1. Requests by Schools for Information from Youth Workers

Regulation 125 (6) permits the provincial director or youth worker to disclose information including the name of the young person, the offence committed and the disposition or status of the matter to anyone where the information is provided to that other person for the purpose of procuring information that relates to the preparation of any report required by the Youth Criminal Justice Act.

As well, if a Principal or teacher knows or believes a student is a young offender the Principal may request additional information from a youth worker. This information is to be shared promptly with the Director. The Principal shall request information from a youth worker concerning a student in the following circumstances:

1.1 To Assist in Preparation of Report

When a youth worker requires information from a school in order to prepare a report pursuant to the Youth Criminal Justice Act the youth worker shall be required to disclose information to the Principal of the school where the young person is in attendance.

1.2 To Ensure Compliance with a Court Order

When a school becomes aware that a student is required to attend school in compliance with an order concerning bail, probation or conditional supervision or a temporary release from custody the Principal shall request the following information from the youth worker:

1.2.1 The type of order with which the student is expected to comply,

1.2.2 The anticipated date of expiration of the order,

1.2.3 The offence in relation to which the order has been made,

1.2.4 The particular terms in the order which relate to school attendance or any other education matter.

1.3 To Ensure the Safety of Students and Staff

1.3.1 The other circumstances in which information may be released to the school or the Division occurs when disclosure is necessary to ensure the safety of staff, students or other persons. It is the Principal's responsibility to inform the necessary school personnel of any safety issues. This information may be used to set up an appropriate monitoring of the student or to develop a program of studies which could include units on socialization, anger management, and so forth. This information may also be used to determine the type of learning environment in which the student is to be placed.

The Principal shall request the youth worker to provide further information concerning the student when the school becomes aware that a student has been involved in any of the following offences:

1.3.1.1 Offences against a person such as assault, robbery, sexual assault, etc.

- 1.3.1.2 Illegal possession of firearms, offensive weapons or explosives
- 1.3.1.3 Drug trafficking
- 1.3.1.4 Intimidation
- 1.3.1.5 Criminal negligence
- 1.3.1.6 Extortion
- 1.3.1.7 Arson
- 1.3.1.8 Procuring for purposes of prostitution, and
- 1.3.1.9 Any other offence involving violence or indicating a tendency toward violent behavior.
- 1.3.2 The information requested by the Principal shall include the following:
 - 1.3.2.1 Whether or not the student has a prior record of offences that might affect safety.
 - 1.3.2.2 Indications of any behavior patterns that might signal the onset of activity which could affect the health or safety of others.
 - 1.3.2.3 Interrelationships between the student and any other person who was involved in the commission of the crime.
 - 1.3.2.4 Any identifiable individual or group of persons which could be at risk from the student

2. Disclosure of School Records to Youth Workers

2.1 Requests for Information

All requests by a youth worker for disclosure of information kept in school records shall be made in writing and shall be directed to the Director.

- 2.1.1 The request shall include the following information:
 - 2.1.1.1 The name of the young person,
 - 2.1.1.2 The offence committed and the disposition or status of the matter,
 - 2.1.1.3 Any time lines or deadlines in respect of providing the information,
 - 2.1.1.4 A specific description of the type of information requested,
 - 2.1.1.5 The section of the Youth Criminal Justice Act under which such a report is authorized.
- 2.1.2 The request shall also specify the nature of the report and information to be provided by the school including whether the information is being sought in relation to:
 - 2.1.2.1 Attendance of the student,
 - 2.1.2.2 The program or courses in which the student is enrolled,
 - 2.1.2.3 The performance of the student,

- 2.1.2.4 The nature of incidents giving rise to discipline and the type of discipline imposed,
- 2.1.2.5 The current school year or in relation to the student's entire career in the school.

2.2 Release of Information to a Youth Worker

Administrative Procedure 320 allows for the sharing of student record information with a youth worker as defined in the Youth Criminal Justice Act.

- 2.2.1 The Director shall direct any request for information received from a youth worker to the Principal. The Principal shall prepare the report as requested. The school shall release only those records specifically requested by the youth worker.
- 2.2.2 The Principal will release the information to the youth worker and forward a copy of the report to the Director.

2.3 Notice to Student and Parents of Release of Information to Youth Worker

Schools are not required to receive parent or student permission or to provide notice to release information to a youth worker. A copy of the information released or a notation of the nature of the records which are released to the youth worker, dated and signed by the Principal, shall be kept by the school.

2.4 Release of Information to Staff

- 2.4.1 Any information received from a youth worker concerning a student shall not be disclosed by the recipient to any other person unless it is necessary for the purposes for which the information was provided.
- 2.4.2 There shall not be a general release of information to all staff and any information shall be released only to those teachers, teacher aides, counsellors or other persons who are required to have the knowledge.
- 2.4.3 Any person who receives information during the course of employment concerning a student who is a young offender shall keep such information confidential.
- 2.4.4 A record shall be kept of all persons who are to have access to a file containing information received about a young offender from a youth worker and only those persons on the list shall have access to the file.

3. Storage of Information

Further, the Youth Criminal Justice Act requires that information disclosed be stored apart from the ordinary school records of the young person and be accessible only to those who need access. This information is to be stored at the school and a copy is also to be stored in the Director's office. A list of the persons who may access the information is to be attached to the file. The files are to be kept in locked cabinets for which the keys are under the control of the Principal and Director.

4. Destruction of Records

The information is to be destroyed when the information is no longer required for the purpose for which it was disclosed.

4.1 In the case of information provided to ensure compliance with a court order the need for that information would end with the expiry of the order in regard to bail, probation, conditional supervision, or temporary release.

4.1.1 The provincial director/youth worker is to confirm the date of expiry of the order with the school or Division.

4.1.2 The school or Division is to advise the provincial director/youth worker in writing of the destruction of record.

4.2 In regard to information provided in order to ensure safety the destruction of the information provided under provision would occur when it could be demonstrated that there was no longer a concern in relation to safety of the staff, students or other persons, or when the young person is no longer a student of the jurisdiction.

4.2.1 The student will be considered a safety risk until the school or Division is notified in writing by the provincial director/youth worker that no further safety risk exists.

4.2.2 The school or Division is to advise the provincial director/youth worker in writing of the destruction of record.

Reference: Sections 85, 87, 108, 109, 175, 231 Education Act
Youth Justice Administration Act
Youth Criminal Justice Act

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