

**ADMINISTRATIVE PROCEDURE 321**

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**YOUNG OFFENDERS RECORDS****Background**

The Superintendent delegates authority to each Principal to communicate with justice personnel about students who have been dealt with under the Youth Criminal Justice Act in accordance with the provisions outlined in the Information Sharing Guideline.

**Procedures**

1. The Principal may receive or provide relevant information regarding a specific student:
  - a) to protect the safety of students and staff
  - b) to assist justice with the preparation of disposition/other reports; and
  - c) to ensure compliance with court orders.
2. Information requested may include:
  - a) any offences or a prior record of offences that result in concerns about the safety of staff and students in jeopardy;
  - b) recommendations for reducing the risk of violence and increasing the level of safety;
  - c) patterns of behavior that may signal the onset of activity that could affect safety;
  - d) individuals or groups of persons who may be at risk from the student; and
  - e) the identity of other youths who were convicted along with the youth as a result of gang activity.
3. The Principal will disclose information only on a “need to know basis” to those staff and others who may have to provide for the safety of students and staff.
4. In determining the persons to whom to release information, the Principal shall bear in mind that:
  - a) inappropriate disclosure could result in a fine or imprisonment; and
  - b) the right of the young offender to confidentiality must be maintained.
5. The Principal may advise school personnel who are involved with the students with young offenders status about circumstances that uphold the spirit and mandate of the Young Offender’s protocol such as:
  - a) impressing upon the student the requirement to attend school in order to comply with a probation order or conditional supervision or bail;
  - b) establishing appropriate monitoring procedures;
  - c) developing an educational program to assist the student in areas such as socialization and anger management;

- d) providing an environment in which the student could participate in an educational program while ensuring the safety of other students and staff members; and
  - e) training for staff in dealing with violent persons.
6. The Principal shall arrange for management of records about students and any such management procedure shall properly address the following:
- a) Storage: Files
    - i) must be kept at the school and at the division office but must be kept separate from other student records; and
    - ii) shall be kept in a secure location.
  - b) Access shall be:
    - i) restricted to those who require access in order to meet the needs of the student; and
    - ii) limited to those staff or others within the school system placed on a list affixed to the file.
  - c) Destruction shall occur when the information is no longer required for the purpose for which it was disclosed:
    - i) youth justice personnel notifies the Principal in writing that no further safety risk exists; or
    - ii) youth justice personnel 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.
  - d) Notification shall be made to youth justice personnel in writing, when the school system's record has been destroyed.
  - e) Transfer of a student:
    - i) Within the jurisdiction
      - It is the responsibility of youth justice personnel to advise the principal of the receiving school of the safety concerns, or the Court Order relative to that student, not the former principal.
      - The Principal of the sending school shall destroy the record.
    - ii) Outside the jurisdiction
      - It is the responsibility of youth justice personnel to inform the Principal of the receiving school of safety concerns or the relevant Court Order; and

- The Principal of the sending jurisdiction shall arrange for destruction of that jurisdiction's record.
7. The Principal, upon request from youth justice personnel 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 youth justice personnel:
    - a) name;
    - b) age;
    - c) the nature of the report to be provided and the section of the Young Offenders Act under which such a report is authorized; and
    - d) timelines with respect to providing information.
    - e) Specific description of the information required such as:
      - i) attendance of the student;
      - ii) the program or courses in which the student is enrolled;
      - iii) the performance of the student;
      - iv) nature of incidents resulting in any disciplinary action and type of discipline imposed; and
      - v) number of years for which the information is required (for the current school year or the student's entire career in the school).
  8. The Principal is authorized to request from youth justice personnel additional information such as:
    - a) disclosure of pertinent psychological assessments; or
    - b) additional information that will assist school personnel in providing an educational program for the student and creating an appropriate environment for that program.
  9. The Principal is the delegated authority to act on behalf of the Division with youth justice supervisory personnel whenever a resolution cannot be reached between a school employee and youth justice personnel.
  10. The Superintendent is the delegated authority to act on behalf of the Division with the youth justice supervisory personnel whenever a resolution cannot be reached between a Principal and youth justice personnel.

#### REFERENCES

Youth Criminal Justice Act (2002, Bill C-7)  
 Section 8, 13, 14, 15, 23, 47, School Act  
 Student Record Regulation 71/99