

<p style="text-align: center;">STRAIT REGIONAL SCHOOL BOARD <i>Excellence in Lifelong Learning</i></p> <p style="text-align: center;"><i>PROCEDURES</i></p>	STUDENTS	PRO IV-A-5
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Youth Criminal Justice Act Records Management

Procedures

1.0 **Central Information Person and their Responsibilities**

- 1.1 The Director of Programs and Student Services shall be the central information person and the custodian of all information provided by any justice system personnel under the YCJA. The Director of Programs and Student Services may delegate this authority to staff members in order to support him/her in this responsibility.
- 1.2 In the event that the principal at the school attended by the young person or an alternate staff person is the first person to receive information under the YCJA, this person will keep a copy of the information securely at the school and send one copy to the Director of Programs and Student Services. This information will be kept secure and confidential at all times.
- 1.3 No person other than the Director of Programs and Student Services (or designates) will relay or subsequently disclose information learned under the YCJA.
- 1.4 Notwithstanding 1.3, the Director of Programs and Student Services, or designates, will ensure that staff will have access to the young person's information on a 'need to know' basis.
 - 1.4.1 School personnel who deal with the young person may have a need to access information from which appropriate responses can be made in order to preserve the safety of other students or of staff.
 - 1.4.2 School personnel who deal with the young person may need to have access to the information in order to facilitate compliance with a court order or to facilitate the rehabilitation of the young person.
 - 1.4.3 Where a student, a parent, 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 person, the request shall be referred to the relevant justice system personnel.
- 1.5 Each person to whom the Director of Programs and Student Services or his or her designate discloses the information will sign a confidentiality form (see Appendix A) acknowledging the possible consequences of subsequent disclosure.

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- 1.6 In the event that the Director of Programs and Student Services leaves that position for any reason, the individual acting as Director of Programs and Student Services in his/her place shall be the custodian of all information until a new Director of Programs and Student Services is designated.
- 1.7 The Director of Programs and Student Services will also
- establish a clear understanding of the youth justice system;
 - be the person who decides who makes the initial contacts with the justice system personnel and parents or guardians of the student (in the case that permission to release information from the student's school records is required);
 - request copies of relevant Justice documents; and
 - when possible, designate one staff person to monitor the program and progress of each young person.

2.0 Storage and Security of Records

- 2.1 Records regarding information about a young person gathered under the YCJA will be kept in two places:
- i. at the school board office, and
 - ii. at the school attended by the young person.
- 2.2 Information about a young person gathered under the YCJA will be kept separate from the student's school record portfolio and from any other record accessible to other staff.
- 2.3 A list of the people to whom the information is to be disclosed shall be appended to the young person's file and only those staff members whose names appear on the list shall have access to the file. In an exceptional circumstance, access may be granted to the files and signatures obtained after the crisis has passed.
- 2.3.1 While these records are in use, they will not be left unattended in unsecured areas.
- 2.4 Records gathered under the YCJA will be kept in a locked cabinet and will be under the control of the Director of Programs and Student Services at the school board office and of the principal at the school attended by the young person.
- 2.4.1 The cabinets containing these records will be used only for these records.

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2.4.2 The cabinets and file drawers used for these records will be labelled so as not to reveal the fact that they contain these records.

3.0 Destruction of Records

3.1 The records regarding information about a young person gathered under the YCJA shall be destroyed when they are no longer required for the purpose for which the information was disclosed.

3.1.1 The record is no longer required when

- the young person leaves the jurisdiction of the school board,
- justice system personnel notify the school board in writing that no further safety risk exists and board staff concur with this assessment, or,
- justice system personnel advise the school board of the expiry of the court order relating to bail, probation, conditional supervision or temporary absence, which led to the creation of the record.

3.2 If being destroyed, paper or other physical records shall be shredded. Electronic records shall be destroyed: physically, if possible (e.g. if on disk) or erased and overwritten to render them inaccessible. Electronic records may need to be professionally cleared to ensure adequate destruction of the information.

4.0 Transfer of the Young Person

4.1 Transfer of Youth Criminal Justice Record

In the event a young person currently under the provision of the YCJA transfers from a school, the school principal will notify the Director of Programs and Student Services who will notify the Director of Community Corrections, Department of Justice, and request direction as to the transfer of the YCJA Record. Further disclosure of the YCJA Record will be in accordance with the YCJA and Department of Justice policies, procedures and practices.

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5.0 Releasing Information from School Records

5.1 The Director of Programs and Student Services, or designate, upon request from justice system personnel to provide information for a report (see **Appendix B: Request for Release of Information from Student Records by Justice System Personnel**), shall arrange for the release of information from the student records portfolio after first receiving as much as possible of the following information:

- (a) the name of the young person;
- (b) the age of the young person;
- (c) the nature of the report to be provided and the section of the YCJA under which such a report is authorized;
- (d) the nature of the offence alleged or committed and the disposition or status of the matter (when the offence is related to the school);
- (e) the timeline for providing the information;
- (f) the specific information required, such as
 - attendance of the young person ,
 - the program of courses in which the young person is enrolled,
 - the performance of the young person,
 - the nature of incidents giving rise to discipline and the type of discipline imposed, and
 - the number of years for which the information is required (e.g. for the current year, for the past four years, or for the young person's entire career in the school board).

In the event that the information is requested by a court order (as is the usual practice), the Director of Programs and Student Services will ensure that the terms of the court order are followed.

- 5.2 If a request is made without the appropriate information, the Director of Programs and Student Services will reply to justice system personnel with a request for specific information and will not release any information until the request is complete. The Request for Release of Information from Student Records by Justice System Personnel form contained in **Appendix B** must be completed and submitted to the Director of Programs and Student Services before requests for release of information can be processed.
- 5.3 Only information from school board records will be released.
- 5.4 A copy of the information released, dated and signed by the Director of Programs and Student Services, shall be kept by the school board.

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6.0 Co-operation between School Board Officials and Community Agencies

6.1 The Director of Programs and Student Services, or designate, will establish and maintain links with Justice personnel to the best of his or her ability by arranging to meet regularly with representatives from the Department of Justice, youth workers and law enforcement agencies to discuss (a) an individual young person, as required, (b) any changes regarding probation, conditional supervision or temporary absence orders, including the expiration of such orders, and (c) strategies for prevention and rehabilitation. It is suggested that these meetings include the principal or guidance counsellor at the school attended by the young person when the Director of Programs and Student Services deems it appropriate.

6.1.1 In the event that a protocol for co-operation between the school board and community agencies has not been written and signed by all stakeholders, the Director of Programs and Student Services, or designate, will undertake the co-ordination of this task.

6.2 The Director of Programs and Student Services should expect the following information:

- (a) if information is being released to ensure compliance with a court order
- the type of order with which the young person is expected to comply (a bail order, probation order, conditional supervision order, etc.),
 - the anticipated date of expiry of the order,
 - the offence in relation to which the order has been made, and
 - the particular terms in the order which relate to school attendance or any other education matter

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(b) when information is being released to ensure the safety of staff and students

- the type of offence (particularly when the offence in question is committed in relation to the school, for example):
 - assault
 - arson
 - illegal possession of firearms or other offensive weapons
 - drug trafficking (under the *Food and Drugs Act* or the *Controlled Drugs and Substances Act*)
 - possession of explosives
 - criminal negligence
 - extortion
 - intimidation
 - procuring for purposes of prostitution
 - molestation, and
 - hate crimes;
- details of particular aspects of the circumstances of the offence which make the sharing of information necessary;
- recommendations for reducing the risk of violence and increasing the level of safety and contribution from DOJ in this regard;
- information regarding any pattern of behaviour which may signal the onset of activity which could affect the safety of staff and students;
- any identifiable individual or group of people who could be at risk from this student;
- whether more than one person was convicted in the circumstances of the offence, or as a result of a gang or group activity, and if some or all those young people present a risk to safety, the school board should be informed of the link between or among these young people so the school is aware of the interrelationship among the youths who pose a threat to safety.

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(c) if information is being released to facilitate the rehabilitation of the young person

- any recommendations concerning the nature of the support the young person may require,
- the nature of the community support available to the young person,
- any 'triggers' or possible warning signs that the young person is in difficulty,
- any individual or group of individuals with whom the young person should not fraternise if it is avoidable,
- any special academic requirements to be taken into consideration.

6.3 If information is not forthcoming, the Director of Programs and Student Services is authorized to make a request to justice system personnel (such as a youth worker, the Attorney General, an agent of the Attorney General, a peace officer, or the Provincial Young Offender's Director) for disclosure of information on behalf of the school board. This request may be made when:

- i. a staff member believes that a student poses a risk to the safety of staff or students,
- ii. it is believed that the information will assist school personnel in providing an educational program for the young person and creating an appropriate environment for that program, or
- iii. it is believed that the information will assist in the rehabilitation of the young person.

6.4 In the event that there is a difference of opinion between the youth worker and school board personnel regarding the nature or extent of information to be provided by one party or the other, the matter shall be referred to the most senior available school board employee for resolution with an appropriate supervisor of the youth worker at the provincial Department of Justice. An application may be filed under section 119 (1) (s) for access to the record if necessary.

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7.0 Other Staff Involvement in the Youth Justice System

7.1 In the event that a school board staff member is invited to take part in a youth justice committee or a conference about a young person he or she may do so as part of their role as a staff member. They are expected to bear in mind the safety of staff and students as well as their professional ethics when making decisions about sharing information gathered in the process of their participation.

7.1.1 Youth justice committees and conferences for the purposes of the YCJA are separate from inter-agency meetings or conferences. An inter-agency meeting for the purpose of collaboration does not have information-sharing restrictions other than those restrictions placed by professionalism and provincial legislation.

7.2 In the event that a school board staff member is requested to act in support of a young person in the absence of counsel, they may do so unless there is a conflict of interest (particularly if the incident is one on which the board may be taking disciplinary action). As with information gathered for a conference or committee, the participant is expected to bear in mind the safety of staff and students as well as their professional ethics when making decisions about sharing information gathered in the process of their participation.

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Appendix B:
Request for Release of Information
from Student Records by Justice System Personnel

YCJA and FOIPOP provisions apply to all requests for information noted on this form.

1. Date of Request _____
2. Name of the Young Person _____
3. Date of Birth _____
4. School last attended _____
5. Nature of the report requested _____
6. Indicate Act under which report is authorized (YCJA or YJA) _____
7. Date information required _____
8. Instructions on specific information required (**please check items**)
 - attendance of the young person
 - the program of courses in which the young person is enrolled
 - the performance of the young person
 - educational interventions or supports provided to the young person
 - the nature of incidents giving rise to discipline and the type of discipline imposed, and
 - the number of years for which the information is required (e.g., for the current year, for the past four years, or for the young person's entire career in the school board).
9. Please indicate as to whether parental consent has been obtained for the release of information
 _____ (attach copy of signed agency form)
10. The name, title and phone number of the requesting Department of Justice official.

Signature: _____ **Date:** _____

Fax completed form to Director of Programs and Student Services at 625-2281.

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