

## ADMINISTRATIVE PROCEDURE NO. 332

### YOUNG OFFENDERS' RECORDS

#### Background

Students and staff should have a safe and secure environment. In order to ensure that this occurs, school staff require access to information that will enable them to protect the safety of students and staff and at the same time protect the right of the student to the preservation and responsible use of their confidential information.

#### Procedures

1. The Superintendent has been delegated the authority by the Board to communicate with youth justice personnel about students who have been dealt with under the Young Offenders Act.
2. The Superintendent may seek relevant information from youth justice personnel regarding a specific file including the following:
  - a. Any offences which may lead to concerns about the safety of students and staff;
  - b. Prior record of offences which may lead to concerns about the safety of students and staff;
  - c. Recommendations for reducing the risk of violence and increasing the level of safety;
  - d. Patterns of behavior that may signal the onset of activity that could affect safety;
  - e. Individuals or groups of persons that may be at risk; and
  - f. The identity of other individuals who were involved with the youth and convicted as a result of gang activity.
3. The Superintendent shall disclose information only on a “need to know basis” to those staff members who may have to provide for the safety of students and staff.
4. The Superintendent shall be aware of the following when releasing information:
  - a. Inappropriate disclosure could result in a fine or imprisonment; and
  - b. The young offender has the right to confidentiality and that must be maintained.

5. The Superintendent may advise school personnel who are involved with a student, who is a young offender, about the circumstances to which they should pay particular attention, 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 monitoring procedures;
  - c. Developing a program of studies to assist the student in areas such as socialization and anger management; and
  - d. Providing an environment in which the student could pursue studies such as a segregated setting or training for staff in dealing with violent persons.
6. The Superintendent shall arrange for the management of any records about young offenders and any procedures shall properly address the following:
  - a. Files may be kept at the school and at the central office but must be kept separate from other student records and must be kept in a secure location;
  - b. Access shall be restricted to those who require access in order to meet the needs of the student and those positions in the school Division that are affixed to the file;
  - c. Destruction of the files shall occur when a youth worker notifies the Superintendent in writing that no further safety risk exists or that any court orders relating to the student have expired; and
  - d. The Superintendent shall notify the youth worker, in writing, that the all school system files regarding that aspect of the student history have been destroyed.
7. If the student transfers within the Division, the principal of the sending school shall be responsible to advise the principal of the receiving school of the safety concerns, or the court order, relative to that student. The principal of the sending school shall destroy the school records.
8. If the student transfers out of the Division, the onus is on the youth worker to advise the Superintendent of the receiving jurisdiction of any concerns. The Superintendent of the Red Deer Catholic Regional Division shall destroy the Division's files.
9. The Superintendent, upon the request of 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 from the youth worker:

- a. Name of student;
  - b. A certified copy of the court order requesting the report;
  - c. The nature of the report to be provided and the section of the *Young Offenders Act* under which such a report is authorized;
  - d. Timelines with respect to providing the information; and
  - e. Specific information requested 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. The nature of incidents giving rise to discipline and type of discipline imposed; and
    - v. Number of years for which the information is required.
10. The Superintendent must obtain the consent of the student's parent, or the student if the student is 16 or older, before any information is released.
11. The Superintendent 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 Board to a youth court relative to disclosing:
- a. Information to the Superintendent when there is a belief that a student poses a risk to the safety of students and school personnel; or
  - b. Court-ordered psychological assessments; or
  - c. Information that will assist school personnel in providing an educational program for the student and creating an appropriate environment for that program.
12. The Superintendent is authorized to act on behalf of the Board with youth worker supervisory personnel whenever a resolution cannot be reached between a school employee and a youth court worker.