



YOUNG OFFENDER RECORDS

Background

Board Policy 1: Board Mandate, Mission, Vision, Values, and Goals calls us to provide a welcoming, safe, and accepting sanctuary. Employees require access to information that will enable them to protect the safety of staff and students.

The Division acknowledges its responsibility to provide individual students with access to programs that meet their needs and to protect the right of individual students to the preservation and responsible use of confidential information. The Division recognizes that confidentiality is a cornerstone of the Youth Criminal Justice Act and accepts its responsibility to safeguard information.

The Young Offender Information Sharing Protocol (1996), a joint agreement between Alberta Education and Alberta Justice, authorizes the sharing of relevant information about students with young offender status who may pose a potential threat to the safety of students or staff. The goal is to ensure school safety and support a coordinated case management approach to rehabilitation.

The Superintendent or designate has the authority to communicate with justice personnel about students in accordance with this protocol.

Definitions

“Young Offender” is a person between the ages of 12 and 17 who has been charged under the Youth Criminal Justice Act or has former status under the Act.

Procedures

1. The Superintendent or designate may receive or provide relevant information regarding a specific student in order to:
 - 1.1 Protect the safety of students and staff.
 - 1.2 Assist Alberta Justice with the preparation of disposition/other reports.
 - 1.3 Ensure compliance with court orders.
2. The Superintendent or designate may seek relevant information from the youth justice system regarding information regarding a specific student file including:
 - 2.1 Any offenses or a prior record of offenses that result in concerns about the safety of staff and students in jeopardy.

- 2.2 Recommendations for reducing the risk of violence and increasing the level of safety.
 - 2.3 Patterns of behavior that may signal the onset of activity that could affect safety.
 - 2.4 Individuals or groups of persons who may be at risk from the student.
 - 2.5 The identity of other youths who were convicted along with the youth as a result of gang activity.
- 3. The Superintendent or designate 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 or designate may advise school personnel who are involved with students with “young offenders” status about circumstances which uphold the spirit and mandate of the Young Offender’s protocol such as:
 - 4.1 Impressing upon the student the requirement to attend school in order to comply with a probation order or conditional supervision or bail.
 - 4.2 Establishing appropriate monitoring procedures.
 - 4.3 Developing an educational program to assist the student in areas such as socialization and anger management.
 - 4.4 Providing an environment in which the student could participate in an educational program while ensuring the safety of other students and staff members.
 - 4.5 Training for leadership teams in Violence Threat Risk Assessment (VTRA) to assist in identifying high-risk behaviour and activating VTRA protocols.
- 5. The Superintendent or designate shall arrange for management of records about students and any such management procedure shall properly address the following:
 - 5.1 Storage Files:
 - 5.1.1 May be kept at the school and at the Division office but must be kept separate from other student records.
 - 5.1.2 Shall be kept in a secure location.
 - 5.1.3 VTRA protocols will be stored according to the division’s VTRA protocol guidelines.
 - 5.2 Access shall be:
 - 5.2.1 Restricted to those who require access in order to meet the needs of the student.
 - 5.2.2 Limited to those staff members or others within the school system placed on a list affixed to the file.

- 5.3 Destruction shall occur when:
 - 5.3.1 The information is no longer required for the purpose for which it was disclosed:
 - 5.3.2 Youth justice personnel notifies the Superintendent or designate in writing that no further safety risk exists.
 - 5.3.3 Youth justice personnel advise the Superintendent or designate of the expiry of the court order relating to bail, probation, conditional supervision or temporary absence, which led to creation of the record.
 - 5.3.4 Notification shall be made to youth justice personnel, in writing, when the school system's record has been destroyed.
- 5.4 Transfer of student within the jurisdiction
 - 5.4.1 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.
 - 5.4.2 The former Principal of the sending school shall destroy the record.
- 5.5 Outside the jurisdiction
 - 5.5.1 It is the responsibility of youth justice personnel to inform the Superintendent of the receiving jurisdiction of safety concerns or the relevant Court Order.
 - 5.5.2 The Superintendent of the sending jurisdiction shall arrange for destruction of that jurisdiction's record.
- 6. The Superintendent or designate, upon request from youth justice personnel to provide information for a court-ordered report, shall arrange for the release of information after first receiving the following information:
 - 6.1 Name;
 - 6.2 Age;
 - 6.3 The nature of the report to be provided and the section of the Youth Criminal Justice Act under which such a report is authorized; and
 - 6.4 Timelines with respect to provide information.
 - 6.5 Specific description of the information required such as:
 - 6.5.1 Attendance of the student;
 - 6.5.2 The program or courses in which the student is enrolled;
 - 6.5.3 The performance of the student.
 - 6.5.4 Nature of incidents resulting in disciplinary action and type of discipline imposed.
 - 6.5.5 Number of years for which the information is required (for the current school year or the student's entire career in the school).

- 6.6 Before any information is released, the Superintendent or designate must obtain the written consent of the parent.
 - 6.6.1 If the student is 16 years of age or older, student or parental written consent must be obtained.
- 7. The Superintendent or designate is authorized to request from youth justice personnel additional information such as:
 - 7.1 Disclosure of pertinent psychological assessments; or
 - 7.2 Additional information that will assist school personnel in providing an educational program for the student and creating an appropriate environment for that program.
 - 7.3 Disclosure of information whereby the Superintendent or designate believes that a student poses a risk to the safety of school personnel.
- 8. The Superintendent is the delegated authority to act on behalf of the Board with youth justice supervisory personnel whenever a resolution cannot be reached between a school employee and youth court justice personnel.

References *Education Act*
 Youth Criminal Justice Act
 Youth Justice Act
 Student Records Regulation, AR 97/2019
 Young Offender Information Sharing Protocol
 Violence Threat Risk Assessment (VTRA) Protocol