

## Administrative Procedure 321

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# YOUNG OFFENDER RECORDS

## Background

The Young Offender Information Sharing Protocol, a joint agreement entered into by Alberta Education and Alberta Justice, allows for the administering and sharing the management of information about a student with young offender status in the school system. The protocol ensures that those who need to know have access to records concerning a student's young offender status. The goal of the protocol is to help to ensure school safety and support a co-ordinated and collaborative case management approach to the rehabilitation of students with young offender status. It also specifies procedures for sharing of information between Alberta Justice and Alberta Education to assist with preparation of disposition reports or to ensure compliance with court orders.

The Superintendent has been designated as the individual to receive the information from Alberta Justice and to ensure disclosure is limited on a need to know basis as a breach of confidentiality carries legal and professional consequences.

## Procedures

1. The Superintendent may seek relevant information regarding a specific student that has young offender status 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 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 behaviour 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 has the authority to request from youth justice personnel additional information such as:
  - 3.1 Disclosure of pertinent psychological assessments.
  - 3.2 Additional information that will assist school personnel in providing an educational program for the student and creating an appropriate environment for that program.

4. The Superintendent will only disclose information on a “need to know basis” to those staff members who may have to provide for the safety of students and staff.
5. The Superintendent 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 protocol such as:
  - 5.1 Impressing upon the student the requirement to attend school in order to comply with a probation order or conditional supervision or bail.
  - 5.2 Establishing monitoring procedures.
  - 5.3 Developing an educational program to assist the student in areas such as socialization and anger management.
  - 5.4 Providing an environment in which the student could participate in an educational program while ensuring the safety of other students and staff members.
  - 5.5 Training for staff in dealing with violent persons.
6. Young Offender Record Management
  - 6.1 The Superintendent will arrange for management of records about students and any such management procedure shall properly address the following:
    - 6.1.1 Storage
      - 6.1.1.1 Records may be kept at the school and at the Division Office but must be kept separate from other student records.
      - 6.1.1.2 Records shall be kept in a secure location.
    - 6.1.2 Access shall be:
      - 6.1.2.1 Restricted to those who require access in order to meet the needs of the student.
      - 6.1.2.2 Limited to those staff members or others within the school system placed on a list affixed to the file.
    - 6.1.3 Destruction shall occur when the information is no longer required for the purpose for which it was disclosed and:
      - 6.1.3.1 Youth justice personnel have notified the Superintendent or designate in writing that no further safety risk exists.
      - 6.1.3.2 Youth justice personnel have advised 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.
      - 6.1.3.3 Notification shall be made to youth justice personnel, in writing, when the school system’s record has been destroyed.

## 7. Transfer of Student

### 7.1 Within the Division

7.1.1 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 sending Principal.

7.1.2 The Principal of the sending school shall destroy the record.

### 7.2 Outside the Division

7.2.1 It is the responsibility of youth justice personnel to inform the Superintendent of the receiving jurisdiction of safety concerns or the relevant Court Order.

7.2.2 The Superintendent of the sending jurisdiction shall arrange for destruction of that jurisdiction's record.

## 8. Release of Information

8.1 The Superintendent, upon request from youth justice personnel to provide information for a report ordered by a youth court judge, will arrange for the release of information from the student record after first receiving the following information from youth justice personnel:

8.1.1 Name.

8.1.2 Age.

8.1.3 The nature of the report to be provided and the section of the Youth Criminal Justice Act under which such a report is authorized.

8.1.4 Timelines with respect to provide information.

8.1.5 Specific description of the information required such as:

8.1.5.1 Attendance of the student.

8.1.5.2 Program or courses in which the student is enrolled.

8.1.5.3 Performance of the student.

8.1.5.4 Nature of the incidents resulting in disciplinary action and type of discipline imposed.

8.1.5.5 Number of years for which the information is required (for the current school year or the student's entire career in the school).

8.2 Before any information is released, the Superintendent must obtain the written consent of the parent(s)/guardian(s). If the student is sixteen (16) years of age or older, student or parental/guardian written consent must be obtained.

9. The Superintendent will act on behalf of the Division with youth justice supervisory personnel whenever a resolution cannot be reached between a school employee and youth court justice personnel.

Reference: Section 31, 32, 33, 53, 196, 197, 222 Education Act  
Student Records Regulation 097/2019  
Youth Justice Act  
Youth Criminal Justice Act  
Guide to Information Sharing Under the Children First Act