HALIFAX REGIONAL SCHOOL BOARD
Information Sharing under the
Federal Youth Criminal Justice Act

PURPOSE:
To seek board approval of draft revisions to the Information Sharing under the Youth Criminal Justice Act Policy which was approved in August, 2004.

BACKGROUND:
On April 1, 2003 the new Federal Youth Criminal Justice Act came into force across Canada. In the new Act amendments were made to sentencing procedures, privacy and information, custody and community reintegration strategies, and formal court procedures.

Part 6 of the amended act sets out a framework to protect information about young persons who have been charged or convicted of an offence under the act. The framework supports three basic principles:

1. It reinforces the basic rule protecting the privacy of young persons as offenders, witnesses or victims.
2. It recognizes that publication of the names of young offenders may seriously impair rehabilitative goals of the youth justice system, handicap the youths’ prospects for adjustment in society and acceptance by the public, and thus, jeopardizes the long-term protection of the public.
3. It provides for strict limitations on the publication of information about young persons, as offenders or as witnesses or victims of youth crime.

In preparation for the new Act coming into effect in 2003, the NSSBA established a template for school boards to follow in developing their own protocols for sharing information. The HRSB followed this template in developing its policy which was approved in August 2004. At the time of approval the board agreed to allow for a year to support implementation of the policy during which time staff established a partnership with the Provincial Department of Justice to create a Memorandum of Understanding to govern information sharing between the two organizations (Appendix A).

In the process of creating the Memorandum of Understanding staff learned about the Youth Criminal Justice Act and the role that school board and school officials play in receiving and sharing information about young persons charged under the YCJA.

As a result of new information gained through this process, and to achieve consistency with the draft MOU staff felt it was necessary to revise the policy and procedures that were approved in August 2004 (Appendix B).

CONTENT:
The attached policy (Appendix C) includes revisions to ensure compliance with the YCJA and provincial FOIPOP legislation. The policy and attached procedures are also consistent with the MOU attached in Appendix B which will govern the working relationship between Department of Justice Staff and school board or school officials. As indicated in both the policy and attached MOU, all officials managing information collected under the YCJA are
accountable for ensuring the privacy of young persons charged under the YCJA and balancing this responsibility with the sharing of information on a “need to know” basis with other school board and/or school staff.

**TIMELINE:**

With approval of the revised policy and Memorandum of Understanding with the provincial Department of Justice, implementation of the policy would begin immediately.

**APPENDICES:**

Appendix A – Draft Revisions to *Information Sharing under the Youth Criminal Justice Act: Draft policy and procedures*

Appendix B – Draft Memorandum between the Nova Scotia Department of Justice and the Halifax Regional School Board.

**RECOMMENDATIONS:**

1) That the Halifax Regional School Board approves draft revisions to Information Sharing under the Youth Criminal Justice Act policy.

2) That the Halifax Regional School Board approve the attached Memorandum of Understanding and direct the Board Chair or Superintendent to initiate the partnership through their signature.

**From:**


**To:**

Senior Staff – September 6, 2005
Policy and Program Committee September 7, 2005
Committee of the Whole, September 21, 2005

**Filename:**

Date Last Revised: September 21, 2005
INFORMATION SHARING UNDER THE YOUTH CRIMINAL JUSTICE ACT

POLICY

PREAMBLE

It is the policy of the Halifax Regional School Board that involvement with the Youth Criminal Justice Act (YCJA) be guided by the following principles:

1. Access to information provided under the YCJA is restricted to approved personnel who have a ‘need to know’. The Director - School Administration and principals will work in partnership to ensure accountability for the receipt and sharing of information under the YCJA. Utmost in this process is the need to maintain the balance between staffs' need to know, particularly with regards to maintaining safety, and the young person's right to privacy.

2. Information provided under the YCJA is to be filed and stored under secure conditions and separate from any other record the school or central office may have with regard to the young person.

3. Ongoing relationships between justice system personnel and school board personnel will be established to facilitate the Board's compliance with the Youth Criminal Justice Act.

DEFINITIONS

- “young person” means a person who is or, in the absence of evidence to the contrary, appears to be twelve years of age or older, but less than eighteen years of age and, where the context requires, includes any person who is charged under the YCJA/YJA with having committed an offence while the person was a young person or who is found guilty of an offence under the YCJA or YJA;

- “YCJA” – the Youth Criminal Justice Act, Bill C-7 which replaces the Young Offenders Act.

- “a report” – a Pre-Sentence Report (prepared by a youth worker to assist the court in determining a sentence or court order) or a progress report.

- “justice system personnel” – people employed by the municipal, provincial or federal government, who are responsible for youth justice. This may include a youth worker, or provincial director, for example.

- “regional police services”- include the Halifax Regional Municipality Police and Royal Canadian Mounted Police (RCMP).

1.0 Staff Responsibilities

1.1 The Director, School Administration will oversee and monitor access to information provided by any justice system personnel under the YCJA, and the appropriate care of any records related to such information.

1.2 The Director of School Administration may delegate this authority to staff members, including principals, in order to support him/her in this responsibility.

1.3 No person other than the Director, School Administration and principals will relay or subsequently disclose information learned under the YCJA.
1.3 Notwithstanding 1.2, the Director, School Administration and principals, will ensure that appropriate staff will have access to the young person’s information on a ‘need to know’ basis.

1.4 The Director, School Administration and principals will also

- establish a clear understanding of the youth justice system;
- be the people who decide who makes initial contact with 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 of Records

2.1 In cases where information is disclosed to the HRSB about a young person to ensure the safety of staff or students, records will be kept in two places:

   i. at the school board office, and
   ii. at the school attended by the young person.

2.2 In cases where information is disclosed to the HRSB about a young person to facilitate rehabilitation or to ensure compliance of the young person with a reintegration leave or a court order concerning bail, probation, or the serving of a portion of the sentence in the community under supervision or conditional supervision, records will be kept at the school attended by the young person.

2.3 Information about a young person gathered under the YCJA will be kept separate (YCJA s. 125(7)) from the student’s school record and from any other record accessible to other staff.

3.0 Destruction of Records

Where records regarding information about a young person, gathered under the YCJA, are no longer required for the purpose for which the information was originally disclosed, such records as held by schools shall be returned to the office of the Director-School Administration, and all such records held by the HRSB for that young person shall be destroyed as soon as allowed by provincial legislation or under the conditions of s. 119 (2) of the YCJA.

4.0 Transfer of the Young Person

4.1 In the event that a young person, for whom information has been disclosed under the YCJA, transfers schools or school districts, the principal of the school being left and the Director-School Administration will take all steps to protect the privacy of the young person, and they will follow all board policies and protocols, together with provincial Student Records Policies, in regard to the handling of any records of information disclosed under the YCJA for that young person.

5.0 Releasing Information from School Records

5.1 The Director, School Administration or principals, upon request from justice system personnel to provide information for a report, shall arrange for the release of this information in keeping with the requirements of the YCJA, the YJA, and the Nova Scotia Freedom of Information and Protection of Privacy Act.

5.2 Only information from school board records will be released.
6.0 Co-operation between School Board Officials and Community Agencies

6.1 The Director, School Administration 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 Justice, youth workers, Community Services and Regional Police Services.

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. Any information about the young person gathered at this conference may not be subsequently disclosed as it was gathered only for the purpose of the committee or conference.

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 school board staff members are requested to act in support of a young person in the absence of counsel, they do so at their own risk. Those people considering accepting this responsibility may wish to consider if it is in the best interest of the young person and if there are exceptional circumstances. They should realize that they undertake this task only as individuals, not as a representative of the school board. The school board discourages this involvement on the basis that there might be a conflict of interest if the incident is one on which the board may be taking disciplinary action. Staff members are normally expected to refuse in this circumstance. Any information gathered during this process should not be further disclosed as it was gathered only for the purpose of supporting the young person.
YOUTH CRIMINAL JUSTICE ACT

PROCEDURES

1.0 STAFF RESPONSIBILITIES

1.1 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, School Administration or designate. This information will be kept secure and confidential at all times.

1.2 The following staff will have access to the young person’s information on a “need to know basis”.

   1.2.1 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.

   1.2.2 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.

   1.2.3 Where a student, a parent, guardian or a professional (e.g. social worker) requests information for the purposes of further counseling or coordinating services in the best interests of the young person, the request shall be referred to the relevant justice system personnel.

   1.2.4 If a school shares its facility with another agency, such as a Teen Health Centre or Police Liaison Office, information will be shared with this agency’s personnel on the same ‘need to know’ basis as the rest of the school’s staff.

1.3 Each person to whom the Director, School Administration (or principal) discloses the information will sign a confidentiality form acknowledging the possible consequences of subsequent disclosure. (Appendix A)

1.4 In the event that the Director, School Administration leaves that position for any reason, the individual acting Director, School Administration in his/her place shall oversee and monitor the receipt and sharing of information until a new Director, School Administration is designated.

2.0 STORAGE OF RECORDS

2.1 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. (Appendix A) In an exceptional circumstance, access may be granted to the files and signatures obtained after the crisis has passed.

   2.1.1 While these records are in use, they will not be left unattended in unsecured areas.

2.2 Records gathered under the YCJA will be kept in a locked cabinet and will be under the control of the Director, School Administration at the school board office and of the principal at the school attended by the young person.

   2.2.1 The cabinets containing these records will be used only for these records.
2.2.2 The cabinets and file drawers used for these records will be labeled so as not to reveal the fact that they contain these records.

3.0 DESTRUCTION OF RECORDS

3.1 Records are 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 In the event that a young person, currently under the provisions of the YCJA, transfers schools within the school board district, the sending school principal will notify the Department of Justice in order to consult with them as to whether information received from the young person's YCJA records will be disclosed to the receiving school. The sending principal will inform the Director-School Administration of the transfer and of the DOJ's decision on the subsequent sharing of information with the receiving school, and any records regarding that young person, which contain information disclosed by the DOJ and which are held by the sending school will be forwarded to the office of the Director-School Administration.

4.2 In the event that a young person, currently under the provisions of the YCJA, leaves the Halifax Regional School Board jurisdiction in order to reside within a different school district, or leaves school permanently, the principal will inform the appropriate DOJ official and the Director-School Administration. The principal will then ensure the destruction of all YCJA related records for the young person in accordance with provincial and school board policies.

5.0 RELEASING INFORMATION FROM SCHOOL RECORDS

5.1 The Director, School Administration and principals, upon request from justice system personnel to provide information for a report, shall arrange for the release of information from the student record after first receiving as much as possible of the following information: (Appendix B)

(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 or YJA under which such a report is authorized;
(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).

5.1.1 In the event that the information is requested by a court order (as is the usual practice), the Director, School Administration will ensure that the terms of the court order are followed.

5.1.2 Before any information is released, it would be advisable for the Director, School Administration or principal, to obtain the consent of the parent (or the student if the student is 18 years of age or older).

5.1.3 Where there is an immediate need for student information by DOJ staff, or in situations where health and safety are a concern, or where individuals may have refused written consent for disclosure, the HRSB may, under sections 27(f), 27(g), and 27(o) of The Nova Scotia Freedom of Information and Protection of Privacy Act, disclose information requested by the DOJ.

5.2 If a request is made without the appropriate information, the Director, School Administration or principal will reply to justice system personnel with a request for specific information and will not release any information until the request is complete.

5.3 A copy of the information released, dated and signed by the Director, School Administration or principal, shall be kept by the school board or school.

6.0 CO-OPERATION BETWEEN SCHOOL BOARD OFFICIALS AND COMMUNITY AGENCIES

6.1 Principals and the Director, School Administration 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 Justice Department, Community Services and Regional Police 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
(c) strategies for prevention and rehabilitation. Where appropriate, it is suggested that these meetings include the principal or guidance counsellor at the school attended by the young person.

6.2 Justice system personnel may disclose information to the school board or school if necessary under the following conditions:

• To ensure compliance of the young person with a reintegration leave or a court order concerning bail, probation, or the serving of a portion of the sentence in the community under supervision or conditional supervision
• For the safety of staff, students, or other people; or
• To facilitate the rehabilitation of the young person.

6.2.1 When information is released under the conditions described above, the Director, School Administration or principals should expect to receive the following information:

(a) 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;
- 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.

(b) 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.

(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 fraternize if it is avoidable,
- any special academic requirements to be taken into consideration.

6.3 If information is not forthcoming, the Director, School Administration 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.
Appendix A

Access List and Confidentiality Agreement

Each person with whom information about a young person is to be shared shall read the following and sign below next to his or her name:

I agree that I will not share in any way the information contained in this record. I realize that disclosure could result in a fine or imprisonment. I recognize that the confidentiality of the young person must always be maintained, including in the eventuality of my leaving the employ of the Halifax Regional School Board. If I believe another staff member should be made aware of information relating to this young person, I will direct him or her to the Director, School Administration or the principal of the school attended by the young person.

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*Names may only be added to this list by the Director, School Administration (or designate) or principal.
CONFIDENTIAL

Request for Release of Information from School Records
(Forward to the Principal and the Director-School Administration, HRSB)

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. The name, title and phone number of the requesting DOJ official

10. Please indicate as to whether an Information Release Consent Form has been signed
    __________ (attach copy of signed form)

FAX : HRSB, DIRECTOR – SCHOOL ADMINISTRATION  464-___________
DESIGNATED SCHOOL PRINCIPAL: Name ______________________
                               School ______________________
                               Fax # ______________________

YCJA AND FOIPOP PROVISIONS APPLY
Memorandum of Understanding Between
The Nova Scotia Department of Justice (DOJ) and the Halifax Regional School Board (HRSB) on the Sharing of Student Information

1.0 PURPOSE

1.1 This Memorandum of Understanding between the Nova Scotia Department of Justice and the Halifax Regional School Board has been jointly developed for the following purposes:

a) To implement a standardized process for the exchange of student information in order for DOJ staff and Restorative Justice delegates to administer and enforce the provisions of the Youth Criminal Justice Act (YCJA) and the Youth Justice Act (YJA);

b) To ensure compliance with the privacy protection and access and disclosure provisions of the Youth Criminal Justice Act, the Youth Justice Act and the Freedom of Information and Protection of Privacy Act (FOIPOP);

c) To ensure the timely disclosure of YCJA records in order to ensure the safety of HRSB staff, students or other persons.

d) To establish a process for the exchange of student information with the HRSB in order to facilitate appropriate educational planning for a young person as part of a plan for rehabilitation or reintegration from custody to the community.

1.2 In this agreement,

a) "extrajudicial sanction" means a sanction that is part of a program of sanctions referred to in Section 10 of the YJA and Section 10 of YCJA.

b) "provincial director" means a person, a group or class of persons or a body appointed or designated by the Governor in Council to perform, either generally or in a specific case or classes of cases, the duties or functions of the provincial director under the YCJA or YJA;

c) "pre-sentence report" means a youth justice court report on the personal and family history and present environment of a young person prepared by a person authorized by the provincial director to prepare such reports;

d) "young person" means a person who is or, in the absence of evidence to the contrary, appears to be twelve years of age or older, but less than eighteen years of age and, where the context requires, includes any person who is charged under the YCJA/YJA with having committed an offence while the person was a young person or who is found guilty of an offence under the YCJA or YJA;

e) “reintegration/reintegration planning/reintegration conference” means when a young person is sentenced to custody, the provincial director must, without delay designate a youth worker to work with the young person to plan for his or her reintegration into the community, including the preparation of a reintegration plan. A reintegration planning conference is held with stakeholders to formulate the plan.

f) “reintegration leave” means an authorized conditional release from a youth correctional facility for a period not exceeding 30 days.

g) “youth worker” means a person designated by the provincial director to assist in the administration of a youth custodial sentence.

h) “probation officer” means a person designated by the provincial director to supervise a young person who is released to or serving a community based sentence.

i) “Community Justice Agency” means specific agencies, such as the Community...
Justice Society, the Mi’kmaq Legal Support Network and the Mi’kmaq Customary Law Program, which contract with Government to provide the services of the Nova Scotia Restorative Justice Program.

j) “FOIPOP” and the “YCJA” refer to provincially and federally legislated acts which govern the release of information: access and disclosure of YCJA records are governed under the provisions of the YCJA; access and disclosure of Youth Justice Act records are governed by the YJA and FOIPOP; while access and disclosure of School Board records are governed by FOIPOP.

2.0 COLLECTION AND USE OF INFORMATION

2.1 The Department of Justice, where necessary, may require personal student information in the possession of the HRSB for the purpose of administering and enforcing the Youth Criminal Justice Act and the Youth Justice Act, in regard to the following statutory requirements:

a) To assist in the administration of an extra-judicial sanction program authorized by the Department of Justice;
b) To assist a Probation Officer in the process of preparing a report required under the Youth Criminal Justice Act (s. 125(5)) and Youth Justice Act;
c) To ensure compliance with court orders enforced by Probation Officers regarding school attendance and school behaviour;
d) To assist teachers and Youth Workers at the Nova Scotia Youth Facility by providing information to assist in selecting appropriate academic services and to facilitate reintegration and transition back to community schools;
e) To assist DOJ personnel in the development of Reintegration Plans (Reintegration Planning Conferences);
f) To assist the Provincial Director in determining additional conditions to be included in custody and supervision orders appropriate to school attendance in order to facilitate the rehabilitation of the young person upon release from custody;

2.2 The Halifax Regional School Board, where necessary, may require certain personal student information in the possession of the Nova Scotia Department of Justice for the purposes of:

a) Completing a report requested by the Department of Justice;
b) Ensuring the safety of students and staff;
c) Ensuring that terms or conditions provided in extra-judicial sanctions or court orders in regard to the student’s school attendance or behaviour are being followed; and
d) Ensuring that appropriate planning takes place so as to provide sufficient support in order to facilitate the successful educational reintegration and rehabilitation of the student following release from custody.

2.3 Neither party shall use the information provided under this Memorandum of Understanding unless it is for a purpose specifically authorized herein or specifically required by law, and no further disclosures shall be made except in accordance with the provisions of the YCJA, the YJA and FOIPOP.

3.0 DISCLOSURE OF STUDENT INFORMATION TO THE DOJ

3.1 Unless otherwise stated in this agreement, initial requests for student information pursuant to this agreement shall be directed to the principal of the school last attended by the youth in
question, with a copy of the request also forwarded to the Director-School Administration, or designate.

3.2 Before any student information can be shared with the DOJ, the young person, and parent or guardian if the young person is under 18 years of age, will be requested by DOJ or HRSB personnel to sign a consent form for the release of information as referenced in the *Nova Scotia Freedom of Information and Protection of Property Act, 1993*, (s.27 (b)) (See Appendix A)

3.3 Notwithstanding any other provision of this agreement, where there is an immediate need for student information by DOJ staff, or in situations where health and safety are a concern, or where individuals may have refused written consent for disclosure, the HRSB may, under sections 27(f), 27(g), and 27(o) of *The Nova Scotia Freedom of Information and Protection of Privacy Act*, disclose information requested by the DOJ.

3.4 When specific information is required for a report (s.125 (5) YCJA), the request for information shall be documented in a prescribed form requesting the information listed below (see Appendix B), and forwarded to the school principal with a copy forwarded to the HRSB Director-School Administration, or designate:

   a) The name of the youth;
   b) The birth date;
   c) The school attended;
   d) The nature of the report requested, with reference to the appropriate act (YCJA or YJA) under which the report is authorized (Note :this section should include reference to possible future requests)
   e) The timeline for providing the information;
   f) The specific information required, such as
      - attendance record
      - 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
      - the number of years for which the information is required;
   h) The name and title of requesting DOJ personnel;
   i) An indication as to whether an information release form has been signed (attach form)

3.5 As appropriate, any subsequent case management contacts or exchange of information or following from the initial request for information shall be between the DOJ Officer/worker/teacher and a designated local school official (s).

3.6 Personal information disclosed by the Halifax Regional School Board to the Department of Justice, under provisions of the YCJA, shall be used by the Department of Justice only for the purposes noted within section 2.2 of this protocol, and no further disclosures of such information shall be made by the Department of Justice except in accordance with the provisions of the YCJA.
4.0 DISCLOSING YCJA RECORDS TO THE HALIFAX REGIONAL SCHOOL BOARD

4.1 Pursuant to s. 125(6) YCJA, personnel from the Department of Justice may, as part of the case management or extrajudicial sanctioning process, disclose information, in a timely manner, to the school board in order to:

a) ensure the safety of staff, students or other persons;
b) ensure compliance by the young person with:
   i) an order of the youth court, including additional conditions set by the Provincial Director of the DOJ;
   ii) the conditions of a Reintegration Leave; or
c) facilitate the rehabilitation of the young person. (For greater clarity, a Community Justice Agency may disclose YCJA records resulting from the use of extra-judicial sanction to assist with the young person’s rehabilitation.)

4.2 It is also understood and agreed, especially in cases related to 4.1(a), DOJ personnel will promptly consult with the Director-School Administration, or designate, in order to decide how best to disclose pertinent information. Disclosure of YJA records to the HRSB shall be in accordance with the provisions of the Youth Justice Act (s s. 30 and 32) and the Freedom of Information and Protection of Privacy Act (FOIPOP) (s.27).

4.3 In cases where there is a need to disclose information to the HRSB in order to ensure the safety of staff or students, the DOJ will disclose information in a prompt and timely manner, first orally and later in writing, to the Director-School Administration, or designate, and such information will include:

   a) type of offence (i.e. assault, illegal possession of firearm, possession of explosives, extortion, intimidation, procuring for the purpose of prostitution, molestation and hate crimes);
   b) details of particular aspects of the circumstances of the offence which makes the sharing of information necessary;
   c) recommendations for reducing the risk of violence and increasing the level of safety;
   d) information regarding any pattern of behaviour which may signal the onset of activity which would affect the safety of staff and students;
   e) any identifiable individual or group of people who could be at risk from the young person; and
   d) whether the young person was involved in gang or group activity.

The Director-School Administration, or designate, will communicate orally or in writing all relevant information to the school principal or designate, who will then share such pertinent information with school staff, on a “need to know” basis, as determined by the Director-School Administration in consultation with the school principal or designate.

4.4 It is further understood that the effective monitoring of a young person, for whom information has been disclosed, will require the sharing of information between HRSB and DOJ personnel based on an understanding of the conditions requiring compliance, and that the initial information provided by the DOJ to a school principal or designate, especially in cases requiring compliance with an order of the youth justice court, should include, at a minimum:

   • The type of order with which the young person is expected to comply;
   • The expected expiry date of the order;
• The particular terms and conditions of the order which relate to school attendance or other educational matters;
• An indication of the need for special supervision or attention.

4.5 Where the DOJ releases information in order to facilitate the educational reintegration of a young person from custody to the community, it is understood that such information will be communicated directly to the school principal or designate, and that DOJ personnel will arrange with the principal to hold a planning meeting, before the student returns to school, with appropriate school staff in order to share such information as:

• The manner and time-line for the reintegration or transition to school;
• The conditions regarding school attendance and behaviour to which the young person must comply;
• Academic information held by the DOJ, such as from educational programming at the Nova Scotia Youth Facility;
• Recommendations concerning the nature of personal or educational supports the young person may require;
• Any triggers or warning signs of potential problems;
• Any special academic requirements for, or interests to, the young person; and
• An indication of follow-up procedures or contacts for the DOJ staff and the school.

4.6 DOJ personnel may release oral or written information to a school principal or designate, or arrange for a planning meeting with appropriate school staff, in order to facilitate the rehabilitation of the young person. Information released may include that which is described in section 4.4 of this memorandum, or any other information which will ensure the successful rehabilitation of the young person.

4.7 It is understood and agreed that the Department of Justice and the Halifax Regional School Board share a common goal in facilitating the success of a young person in complying with school related expectations associated with a court order, reintegration leave or rehabilitation plans. It is also understood that requests for case conferences or reintegration planning meetings may be made by either party in order to meet this common goal.

4.8 Personal information disclosed by the Department of Justice to the Halifax Regional School Board, under the provisions of the YCJA, shall be used by the Halifax Regional School Board only for the purposes noted within subsection 2.2 of this protocol, and no further disclosure of such information shall be made by the Halifax Regional School Board except in accordance with the provisions of the YCJA.

5.0 REQUESTS FOR YCJA RECORDS

5.1.1 The HRSB Director- School Administration, or designate, may request DOJ personnel to provide appropriate YCJA records if a staff member believes that a student poses a risk to the safety of staff or students or others.

5.2 In the event there is a disagreement between the Director- School Administration and DOJ personnel on the nature or extent of information to be provided, the Director-School Administration, or designate, may refer this disagreement for adjudication to the Director of Program Services, Correctional Services Division, Nova Scotia Department of Justice.
5.3 In the event that an agreement cannot be reached, the HRSB may file an application under s. 119(s) of the YCJA for access to the record.

6.0 PROVISIONS REGARDING STUDENT TRANSFERS OR WITHDRAWALS

6.1 The process for sharing information under this agreement shall be in compliance with the privacy protection and access and disclosure provisions of the Youth Criminal Justice Act, the Youth Justice Act, and the Nova Scotia Freedom of Information and Protection of Privacy Act.

6.2 In the event that a young person, currently under the provisions of the YCJA, transfers schools within the district, the sending school principal will notify the DOJ, and consult with them as to whether information received from the young person’s YCJA records will be disclosed to the receiving school principal. Any records regarding the young person, which contain information disclosed by the DOJ and which are held by the sending school, will be forwarded to the Director-School Administration.

6.3 In the event that a young person, currently under the provisions of the YCJA, leaves the Halifax Regional School Board jurisdiction in order to reside within a different school district, or to withdraw from school permanently, the principal of the school from which the young person has left will inform the appropriate DOJ official and the Director-School Administration, or designate, and the HRSB will ensure the destruction of all Board records for the young person related to YCJA records immediately, or as soon as allowed by provincial legislation.

7.0 MONITORING & AMENDMENTS

7.1 Monitoring of this Memorandum of Understanding will be subject to regular discussion on an as-needed basis at the request of either party.

7.2.1 This Memorandum of Understanding may be amended only by written agreement of the parties hereto.

8.0 COMING INTO FORCE OF MEMORANDUM OF UNDERSTANDING

8.1 This Memorandum of Understanding shall commence on, and take effect from, the date upon which it is signed by the last of the parties to do so.

8.2 Either party shall reserve the right to terminate this Memorandum of Understanding by giving 30 days written notice of termination to the other party.
IN WITNESS THEREOF the parties have entered into the above agreement on the date(s) written below:

For the **Department of Justice**

For the **Halifax Regional School Board**

___________________________________  ______________________________________

Date:   _____________________________  Date:    _______________________________

Witness:   __________________________  Witness: _______________________________