

COURT DOCUMENTS AND RECORDS

Background

The District recognizes that our students may potentially be involved in legal proceedings that could impact their educational program options or locations. The District adheres to the Rule of Law and as such will prioritize compliance to mandates of the Court.

The District also recognizes that Orders may be issued by other agents of the justice system, including but not limited to, the RCMP, Crown Council, Youth Probation, Appointees under the BC Family Law Act or Restorative Justice. The District acknowledges that some Orders under certain laws, agreements or regulations will require specific procedures. These are detailed separately below.

Procedures

1. Access to information provided by the Court or other agents of the justice system is restricted to designated personnel.
 - 1.1 The Principal of the school shall be the custodian of all information provided by the Court or other agents of the justice system.
 - 1.1.1 The Principal shall be responsible for the privacy and security of any court documentation and shall be the sole holder of those documents
 - 1.1.2 In general, Court documents shall not be placed in student cumulative files. Court documents specifically detailing custody arrangements may be kept in cumulative files for the safe operation of the student(s) educational program
 - 1.1.3 A summary of a Court document detailing custody arrangements should be summarized in the student information system, which could include a legal PSR Inclusion as per provincial standards
 - 1.2 The Principal shall request a copy of all documentation. This request shall be in writing if documentation is not provided in a timely fashion
 - 1.3 The Principal shall notify the Safe School Coordinator upon receipt of any legal documentation
 - 1.4 The Safe School Coordinator shall involve the Secretary-Treasurer for any issue that may require legal consultation or action on behalf of the District
 - 1.5 The Principal shall ensure that no persons other than those with a “need to know” have access to the disclosed information.
 - 1.6 School personnel who work directly with the student have a need to certain information to which appropriate responses can be made in order to adhere to the specifics of the Order and/or to preserve the safety of other students or the staff.
2. The Principal shall ensure that the contents of the Order, where applicable to the school, are adhered to by the school

3. The Principal shall ensure that any interviews or statements from staff that are requested as part of the order will adhere to factual responses. Value or opinion-based responses are not appropriate.
4. Upon written notification that the Order is no longer valid, the Principal shall destroy the copy and ensure that any staff who had any information pertaining to the Order are notified.

4.1 The legal alert in the student information system must be updated

Section 211 of the Family Law Act

Section 211 reports are usually written by Social Workers or Psychologists who are trained in family relations, the court process, child development and best interests of children and can provide an objective view or opinion that tries to resolve custody disputes. They often meet individually with both parents, interview children and talk to other people, (collaterals who have knowledge and information about the family dynamics and/or the needs of the children) to find out what the disputes are and what they should recommend to resolve them.

Purpose of a Section 211 Report

- Assess child's needs: Evaluate what the child needs in relation to the family law dispute.
- Assess child's views: Determine the child's wishes.
- Assess parent's ability: Evaluate a parent's ability and willingness to meet their child's needs.
- Provide impartial information: Offer the court a neutral and comprehensive view of the family situation to assist in making decisions about custody and access.

School staff are often seen as having invaluable information regarding these children, their needs, their challenges and successes.

The final report will be read by the Judge, the lawyers representing both parents as well as the parents.

Procedures

There are specific procedures for dealing with Section 211 meeting or information requests in addition to the procedures outlined for all Orders:

1. The Principal shall inform school staff that they are to be notified of any requests for a meeting or information under Section 211.
2. The Principal shall ensure that proper consent is in place. In Section 211 cases, this is a confirmation that the document is signed by both parents/guardians.
3. The Principal shall reinforce the expectations that school staff answer with factual answers and avoid opinion-based judgments.

Young Offenders Records

There are specific requirements when the documentation provided falls within the jurisdiction of the Youth Criminal Justice Act

Where a student, a parent or 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 offender, the request shall be referred to the youth worker assigned by the Court.

Procedures

5. Ongoing communication between youth justice personnel and school and District staff is encouraged
 - 5.1 Principals shall inform the youth worker whenever a young offender about whom they have received information transfers to another school.
 - 5.2 It is the responsibility of the youth worker to advise the receiving school about the student's young offender status. The Principal of the sending school shall not forward any young offender files or information to the receiving school when a young offender transfers to another school.
 - 5.3 The Principal is to meet regularly with the youth worker in order to:
 - 5.3.1 Be advised of any changes regarding probation, conditional supervision or temporary absence orders, including the expiration of such orders.
 - 5.3.2 Advise the youth worker of attendance or other problems which may result in the young person being found in violation of a court order regarding bail, probation, conditional supervision or temporary absence.
 - 5.4 The Principal, upon written request from 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 portfolio after first receiving the following information from the youth worker:
 - 5.4.1 Name;
 - 5.4.2 Age;
 - 5.4.3 The nature of the report to be provided and the section of the Youth Criminal Justice Act under which such a report is authorized;
 - 5.4.4 Timelines with respect to providing information;
 - 5.4.5 Specific description of the type of information required such as:
 - 5.4.5.1 Attendance of the student;
 - 5.4.5.2 The program or courses in which the student is enrolled;
 - 5.4.5.3 The performance of the student;
 - 5.4.5.4 The nature of incidents giving rise to discipline and the type of discipline imposed; and
 - 5.4.5.5 The number of years for which the information is required (for the current school year or the student's entire career in the school).

Before any information is released, the Principal shall obtain the consent of the parent, or of the student or the parent if the student is sixteen (16) years of age or older.

Reference Sections 6, 20, 22, 26, 65, 85 School Act
BC Family Law Act
MOU- SD5 & Cranbrook and District Restorative Justice Society
Youth Justice Act
Youth Criminal Justice Act (Canada)

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