



ONTARIO SPECIAL EDUCATION (ENGLISH) TRIBUNAL

Case No. 2008-02

IN THE MATTER OF the *Education Act*, R.S.O. 1990.c.E.2, as amended, ss. 57(3),
IN THE MATTER OF *Ontario Regulation 181/98*,
AND IN THE MATTER OF the minor child born in 1997

BETWEEN

Ms. W. F., Appellant

-and-

The Ottawa Catholic School Board, Respondent

Tribunal Members:

Eva Nichols	Chair
Janice Leroux	Member
Noel Williams	Member

Appearances:

W. F.	Parent
Paul Marshall	Counsel for the Ottawa Catholic School Board (OCSB)
Simone Oliver	Superintendent of Student Services and Special Education, OCSB

Louise Sibbald	Secretary
----------------	-----------

The hearing on the matter of jurisdiction was held on April 22, 2008 in Ottawa, Ontario.

The appellant appealed to the Ontario Special Education (English) Tribunal on January 17, 2008 regarding the placement of her child. The child is ten years old and is identified as an exceptional pupil. The child's identification, which is not in dispute, is Multiple: Communication (LD) and Intellectual (Giftedness). The child is currently enrolled in French Immersion at a Catholic Elementary School within the Ottawa Catholic School Board (OCSB). The Identification Placement Review Committee (IPRC) decision under appeal was issued on October 1, 2007. The parent appealed this decision to a Special Education Appeal Board (SEAB). The SEAB met on December 13, 2007 and issued its recommendations on December 17, 2007. The SEAB upheld the IPRC's placement decision for the child, which was Regular Class with Withdrawal Assistance. The OCSB's trustees met and considered the SEAB's recommendations on January 22, 2008. The OCSB endorsed the SEAB's recommendations and issued their decision in a letter addressed to the appellant on January 25, 2008.

The OCSB questioned the Tribunal's authority to hear the case. It introduced a motion seeking an order to dismiss the appeal without a hearing, citing numerous grounds for its motion.

The Tribunal convened on April 22, 2008, to hear the OCSB's motion for dismissal. During the initial teleconference, the Tribunal advised the parties that it would issue its decision on jurisdiction no later than April 30, 2008, in order to provide time for both parties to prepare for the hearing on the merits, scheduled for June 16 – 20, 2008, if needed.

DECISION

The Tribunal unanimously finds that it does not have jurisdiction to hear the merits of this appeal. The Tribunal's full decision on jurisdiction, including reasons, and its response to the OCSB's motion for dismissal will be issued within the timelines set out in the Tribunal's Rules of Procedure.

Date: April 28, 2008

Eva Nichols, Chair
