

**ONTARIO SPECIAL EDUCATION  
(ENGLISH) TRIBUNAL**

**LE TRIBUNAL DE L'ENFANCE EN DIFFICULTÉ  
DE L'ONTARIO (FRANÇAIS)**



# Annual Report 2009-2010



# TABLE OF CONTENTS

<a href="#"><u>INTRODUCTION.....</u></a>	<a href="#"><u>3</u></a>
MANDATE.....	4
ACCOUNTABILITY.....	5
<a href="#"><u>ORGANIZATION.....</u></a>	<a href="#"><u>6</u></a>
<a href="#"><u>PERFORMANCE OF ESTABLISHED TARGETS 2009-10.....</u></a>	<a href="#"><u>9</u></a>
<a href="#"><u>TARGET 1 - MEDIATION.....</u></a>	<a href="#"><u>9</u></a>
<a href="#"><u>TARGET 2 - ACCESSIBILITY.....</u></a>	<a href="#"><u>11</u></a>
<a href="#"><u>TARGET 3 - CASE MANAGEMENT .....</u></a>	<a href="#"><u>11</u></a>
<a href="#"><u>TARGET 4 - M,EMBER DEVELOPMENT .....</u></a>	<a href="#"><u>12</u></a>
<a href="#"><u>ADJUDICATION.....</u></a>	<a href="#"><u>14</u></a>
<a href="#"><u>ISSUES FACING THE TRIBUNALS.....</u></a>	<a href="#"><u>16</u></a>
<a href="#"><u>PUBLIC INQUIRIES.....</u></a>	<a href="#"><u>17</u></a>
<a href="#"><u>EXPENDITURES.....</u></a>	<a href="#"><u>18</u></a>
<a href="#"><u>FUTURE PLANNING.....</u></a>	<a href="#"><u>19</u></a>

## INTRODUCTION

The Ontario Special Education (English and French) Tribunals (OSET) are pleased to present the 2009-2010 Annual Report on the activities of the Tribunals from April 1, 2009 to March 31, 2010.

This report is prepared for submission to the Minister of Education, in accordance with the requirements of the *Accountability, Governance and Appointments Act 2009*, and the *Agency Establishment and Accountability Directive (February 2000)*, as issued by Management Board of Cabinet.

The Tribunals' priorities are shaped by their legislated mandate. Their core business, under section 57 of the *Education Act, R.S.O. 1990, c. E. 2*, is to adjudicate appeals by parents, regarding identification and/or placement decisions made by school boards with respect to exceptional pupils and to make decisions that are in the best interests of the exceptional pupils.

The Ontario Special Education Tribunals (OSET) continue to be an integral part of Ontario's unique approach to providing natural justice and due process to students with special needs, their families and school boards

This report outlines briefly what has been achieved by the Tribunals in the Performance Targets Section during 2009-10. We wish to draw to your attention the successes of the new provision for mediation that has now been implemented for the last two fiscal years. The Tribunals also met the compliance requirements of the Accessibility Standard for Customer Service, putting in place a policy that will ensure that the Tribunals are accessible. The Tribunals continued their efforts to ensure that the members maintained a state of readiness to adjudicate appeals by organizing regular members' meetings that provided training and by offering additional learning opportunities. The Tribunals are fortunate to have so many highly qualified and professional members who meet the expectation of 'expert Tribunals' for resolving special education disputes between school boards and parents.

Since 2006, the Tribunals have worked to enhance the adjudicative process by developing policies to establish regulatory consistency, transparency, and predictability. The availability of policies and procedural directions helps the parties of an appeal to be better informed and better prepared to present their case and are in compliance with the Tribunals' Rules. . This readiness on the part of the parties enables the Tribunals to handle appeals in a more expeditious and effective manner. These policies and procedural directions are all available on the Tribunals' website <http://oset-tedo.ca>.

The staff and members recognize the importance of the Tribunals fulfilling the requirements of their mandate in a professional manner in accordance with the statutes and the principles of administrative justice. The Tribunals adjudicate all cases with efficiency on a cost effective basis. The Tribunals will continue to modernize their processes to reflect best practices in the administrative tribunal sector. These practices are and will continue to be consistent with the recommendations in the Ministry of Government Services *Governance Tools, 2007* and the *Accountability, Governance and Appointments Act, 2009* to promote good governance, the cornerstone of organizational and service excellence.

## MANDATE

The Tribunals are independent adjudicative agencies created under the *Education Act*.

The Tribunals' legislative authority is set out under subsection 57(1) of the *Education Act*. "The Lieutenant Governor-in-Council shall establish one or more Special Education Tribunals."

The Tribunals' mandate is set out in subsections 57(3) and 57(4). Subsection 57(3) states, "Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement."

Subsection 57(4) reads, "The Special Education Tribunal shall hear the appeal and may:

- (a) dismiss the appeal; or
- (b) grant the appeal and make such order as it considers necessary with respect to the identification or placement."

In accordance with subsection 57(5) of the *Education Act*, a decision of a Special Education Tribunal is final and binding on the parties to the decision.

## ACCOUNTABILITY

The Ontario Special Education (English) Tribunal hears appeals for students enrolled in English public or Roman Catholic separate schools. Le Tribunal de l'enfance en difficulté de l'Ontario (français) hears appeals for students enrolled in French public or Roman Catholic separate schools.

The Tribunals function as independent quasi-judicial bodies subject to the principles of natural justice and the requirements of the *Statutory Powers Procedures Act*. The Tribunals' primary role is adjudicating appeals by parents of the identification and/or placement decisions made by school boards about exceptional students. The OSET is committed to conducting timely, fair, efficient, and impartial hearings that are consistent with the governing legislation and regulations made under the *Education Act*. The Tribunals' decisions are final and binding on the parties, in accordance with the *Education Act*. They may be reviewed by the courts on an application for judicial review.

The Tribunals' relationship with the Minister is governed by a *Memorandum of Understanding* (MOU) between the Tribunals and the Minister of Education. The MOU describes financial, staffing and administrative matters, reporting requirements, and the responsibilities of the Minister and the Chairs. However, the MOU does not override the enabling legislation. The MOU specifies that the Tribunals are required to provide the Minister with an annual report, an annual business plan, and a budget.

The business functions of the Tribunals are managed by the staff of the Special Education Policy and Programs Branch of the Ministry of Education, in accordance with the agency management practices of the Ontario Government.

## ORGANIZATION

From 1982 to 2006, the Ontario Special Education Tribunals (English and French) operated within a model where Ministry of Education staff administered the Tribunals' while the appointed Chairs served in the capacity of adjudicators. Since the core function of the Tribunals is adjudication that model worked reasonably well during that period.

In 2006 a significant shift occurred. The administrative leadership and related duties became the full responsibility of the appointed Chairs of the Tribunals and an appropriate organizational structure for a quasi-judicial Tribunal was put in place. This model reduced the ministry staff allocation from two and a half FTE to one FTE bilingual dedicated secretary to the Tribunal, and impacted the Tribunals' budget by increasing the portion assigned for administrative responsibilities to a level more reflective of the actual and more appropriate operation of the Tribunals.

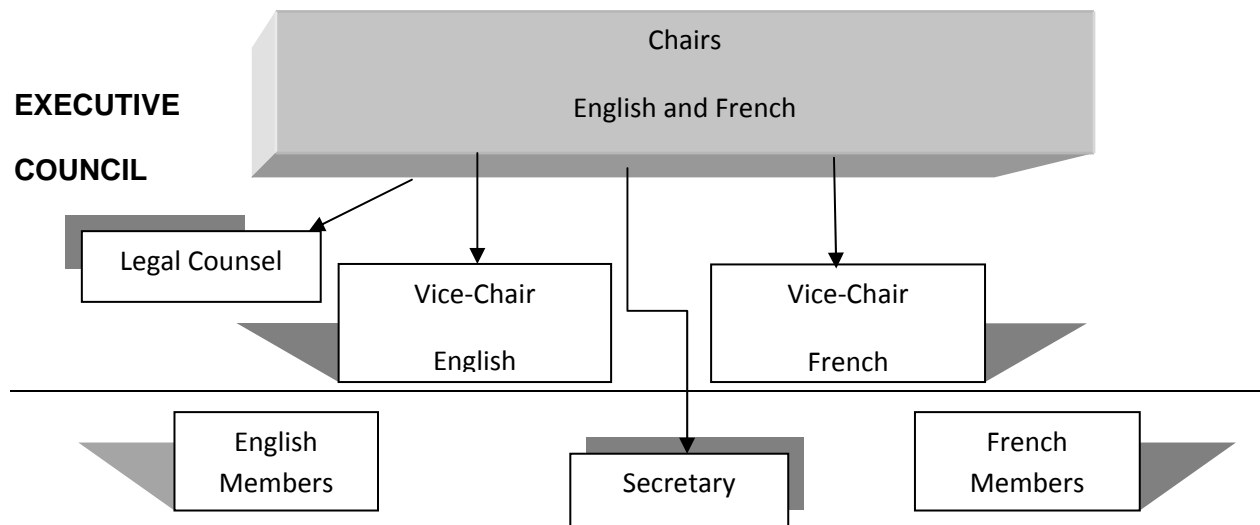
In accordance with the *Education Act*, there are two Special Education Tribunals. One functions in English and the other in French. Although the two entities share all administrative functions and report jointly to the Minister, their adjudicative functions are independent of one another. The Lieutenant Governor in Council appoints all Tribunal Members and designates one Chair for each Tribunal. A Vice-Chair is appointed for each Tribunal by the Chair in accordance with s.57 1.4 of the *Education Act*. The Chairs provide guidance and leadership to the Vice-Chairs and Members, and are accountable to the Minister of Education for the performance of the Tribunals in fulfilling their mandate. This includes carrying out the roles and responsibilities assigned to the Chairs by the *Accountability, Governance and Appointments Act, 2009*, Management Board Directives, the *Education Act* and the *Memorandum of Understanding* (2008). The terms of appointments are set out in the *Government Appointees Directive*. All appointments are part-time. The secretary is a full time dedicated position to the Tribunals.

All Members of the Tribunals have expertise in, and sensitivity to special education matters. In addition, members attend bi-annual meetings for training on such topics as decision-writing, procedures and briefings on current legislative matters. Throughout their terms, all Tribunal Members are given opportunities for professional development.

Legal support is provided to the Tribunals by two legal counsels who are employed by the Crown Law Office-Civil at the Ministry of the Attorney-General. Their role is to provide advice on an as-needed basis to the Tribunals. One of the lawyers supports the English Tribunal and the other supports the French Tribunal.

The Chairs direct and are responsible for the operation of the Tribunals. An Executive Council (composed of the Chairs and Vice-Chairs of both Tribunals as well as legal counsel) has been established to ensure that the Tribunals function in an effective, accountable and responsible manner.

**Figure 1: Tribunals' Organization Chart**



All the Tribunal Members reside in various parts of Ontario. To serve as Tribunal members, appointees are required to:

- Have a thorough knowledge of and professional or personal experience with the relevant legislation and other special education matters, such as the various exceptionalities and the learning needs of exceptional students;
- Have an understanding of the professional, institutional and community context within which the Tribunal operates;
- Demonstrate analytical, conceptual, problem-solving and writing skills;
- Be able to listen and communicate clearly and effectively;
- Be computer literate;
- Have good organizational skills; and
- Be willing to travel throughout the province to adjudicate appeals.
- All current members are accomplished and fair adjudicators who meet these requirements.

In order to serve the public interest in an open and independent manner, it is important to note that Tribunal members are not employees of the provincial government.

The Secretary manages the day-to-day operations of the Tribunals and provides support to the Chairs. The Secretary is responsible for supporting various phases of the appeal process,

including receiving appeals, preparing case-related materials, arranging hearing rooms, maintaining records and overseeing the release of decisions.

**Figure 2: Members of the English Tribunal**

<b>MEMBER</b>	<b>ROLE</b>	<b>TERM</b>	
Marilyn Thain	Chair	February 28, 1996	February 12, 2013
Eva Nichols	Vice-Chair	January 27, 2005	February 26, 2013
Ross Caradonna	Member	May 14, 2008	May 13, 2013
Derryn Gill	Member	April 6, 2005	June 19, 2012
Janice Leroux	Member	November 15, 2006	November 14, 2011
Carlana Lindeman	Member	August 1, 2008	July 31, 2010
Julie Lindhout	Member	April 6, 2005	June 19, 2012
Uma Madan	Member	October 18, 2005	November 17, 2011
Jim McCaughey	Member	May 11, 2005	May 08, 2012
Noel Williams	Member	October 18, 2005	November 17, 2011

**Figure 3: Members of le Tribunal de l'enfance en difficulté de l'Ontario (français)**

<b>MEMBER</b>	<b>ROLE</b>	<b>TERM</b>	
Céline T. Allard	Chair	May 1, 1991	February 12, 2013
Robert Lefebvre	Vice-Chair	January 27, 2005	February 26, 2013
Yvon Huppé	Member	October 18, 2005	November 17, 2011
Liliane Laforest	Member	April 16, 2008	April 20, 2013

# PERFORMANCE TARGETS 2009-2010

## TARGET 1 - MEDIATION

***The Tribunals will use mediation as the first choice of dispute resolution for all appeals initiated under the Education Act .***

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The Tribunals support the goal of the Ministry of Education to provide a non-adversarial process for the resolution of any disputes between parents and school boards. In the Tribunals' *Business Plan, 2007–2010*, a commitment was made to develop and implement a mediation process specific to these Tribunals.

It is in the public interest to have the OSET offer parties timely and effective alternative dispute resolution. The use of mediation as an alternative to a hearing encourages the parties to discuss the issues that are in dispute in a less or non-adversarial forum. The goal is to narrow or settle their differences. The mediated outcome often eliminates the need for a hearing altogether, or reduces the length of a hearing.

During 2007-08, four English members were formally trained as mediators. During the same period one member of the French Tribunal completed the same formal training. Another member had already been certified as a mediator in 1995. Only those members of the Tribunals who have received certified training conduct mediation.

During 2008-09 the Tribunals' began the implementation of the mediation process. Mediation is offered to parents and school boards at the onset and is considered an important step in the appeal process. It is offered to resolve some or all of the issues without going to a hearing. Mediation can occur at any stage in the appeal process. if agreed to by both parties. As a result, during the 2008-09 fiscal year two out of the three English appeals reached a settlement agreement. During the current fiscal year, mediation has been even more effective in resolving the appeals filed with the English Tribunal.

***Figure 4: Results of Mediation of Appeals Filed with the English Tribunal***

<b>Fiscal Year</b>	<b>Number of Appeals Filed</b>	<b>Number Mediated</b>	<b>Number Settled</b>
2008-09	5	3	2
2009-10	6	4	3

There is evidence of significant benefits derived from mediation:

**SPEED:** In resolving or narrowing disputes through mediation, parties avoid the delay of a third party or quasi-judicially decided outcome. The appeals resolved through mediation over the last year had a shorter timeframe than the normal procedure leading to a full hearing and the rendering of a decision.

**ECONOMICAL:** In resolving or narrowing areas of dispute through mediation, parties save time, energy, and expense. The Tribunals have also realized significant cost benefits by providing mediation services.

**CONFIDENTIALITY:** While tribunal proceedings are a matter of public record, what transpires at mediation is kept confidential by agreement. Confidentiality is the cornerstone of mediation. Parties are assured that the information and documents shared will not become evidence in any subsequent proceeding. The Mediation Agreement developed by the Tribunals provides for the parties to be informed of the confidentiality provisions and to sign in an agreement.

**RELATIONSHIPS:** It is in the best interests of the child that a positive and productive relationship remain between the parents and the school boards. The mediations conducted during this year indicate that mediation had a far more positive effect on the board/parent relations than an adversarial hearing might have had.

***Provide ongoing reviews of the mediation process to ensure that it is working in the most effective and efficient manner and to determine if additional resources are required.***

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A standing committee of Tribunal members who have been trained in mediation regularly reviews the process and discusses how to make improvements. This has resulted in improvements to the original design for the provision of mediation services by the Tribunals.

In 2010-11, a proposal to increase the number of trained members to offer mediation will be considered to enhance the Tribunals' capacity to offer mediation.

***Develop appropriate guides and policies to support the process.***

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The Tribunals have developed a *Mediator's Guide* ("the Guide") for use by all members assigned to a case for mediation purposes. The document will complement the *Guide to the Appeal Process*, an existing resource to assist all Tribunal members in the conduct of hearings.

The Tribunals have developed a Practice Direction for Mediation, a Mediation Agreement and a Guide to the Mediation Process written for Tribunal members and support staff. These documents ensure that a consistent process with high standards and is implemented as each mediation takes place. The Tribunals are presently reviewing these documents to ensure that each adequately supports the process.

The Tribunals are pleased that mediation has been an effective tool for helping the parties to resolve their differences and begin to restore effective board/parent/ relationships. This can only help benefit students who are receiving special education programs and services.

## **TARGET 2 - ACCESSIBILITY**

***The Tribunals will ensure that all information provided by the Tribunals including the Tribunals' website is accessible and useful to the parties to an appeal and to the general public***

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The Tribunals have worked hard over the past few years to ensure that stakeholders, including parents and school boards, are aware of and able to access their services. To achieve such general accessibility, the Tribunals have developed a website.

Under the *Accessibility for Ontarians with Disabilities Act* (AODA), the Accessibility Directorate of Ontario (ADO)) has a mandate to develop accessibility standards. The goal is to make Ontario fully accessible by 2025.

The first of these standards, "Accessibility Standards for Customer Service," came into force on January 1, 2008. As one of the listed Ontario Public Service (OPS) agencies, the Tribunals were required to comply with the new standards by January 1, 2010.

The work of the Access Committee was to ensure that the Tribunals' publications and website are in line with the Accessibility Standards for Customer Service. A policy on accessibility was written and adopted by the Tribunals. This is available on the Tribunals' website.

All publications of the Tribunal will be reviewed to ensure they are in alignment with the requirements of the AODA. This work will continue during the 2010-2011 fiscal year.

## **TARGET 3 – CASE MANAGEMENT**

***The Tribunals will continue to implement approaches to reduce the costs of hearings through new strategies for case management.***

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The Tribunals have developed a number of practice directions. These practice directions have made a significant positive difference to improving the hearing process in its efficiency and effectiveness.

Although the time-limits set by the *Rules* contemplate that the hearing should commence within two months of receipt of an appeal, a wide range of variables comes into play that are not within the Tribunals' control. These include scope and complexity, number of parties, issues of representation and issues of lack of knowledge of the process. This can result in unplanned

interruptions of the process. The delays that result can have a significant impact on the Tribunals' capacity to comply with the agreed upon performance measures.

**Figure 5 - Targets and Achievements for Completing an Appeal**

<b>BASELINE</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>
111 days	75 days	90 days	90 days
Achievement	Achieved	Achieved	Achieved

In accordance with Rule 16.1 of the Rules of Procedure, the Tribunal shall provide the parties or their representatives with a copy of the Tribunals' decision on the Appeal, including its written reasons, within 90 days after completion of the hearing.

The Tribunals work towards the achievement of the goal to render decisions expediently so as not to encumber the planning for a student's education. This timeline can be delayed by numerous internal and external factors, some of which are outside of the control of the Tribunals. The Tribunals continue to address issues that arise and develop practice directions on an as needed basis.

#### **TARGET 4 – MEMBER DEVELOPMENT**

***The Tribunals will promote member development to ensure long term continuity and efficiencies in the Tribunal process.***

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Member Development includes training and ongoing professional development opportunities. As new legislation is proclaimed or amendments are made to existing statutes, information and training are provided to the members to enable them to meet their responsibilities.

In 2009-10, only one all members' meeting was held due to the Ministry's fiscal restraints. This had a significant impact on the dissemination of information and the ongoing training that has been available in the past. Although alternative means of communication were used to keep members informed, this did not seem as effective as a face to face meeting.

The annual Conference of Ontario Boards and Agencies (COBA) attended by all members; selected courses or conferences attended by one or two members; and the provision of newsletters and articles on administrative justice topics ensure that all members are well informed about all relevant topics including changes to administrative law and other legislative initiatives.

All Tribunal members appointed before May 2008 have received orientation, adjudication and decision writing training and have had some hearing experience. Ongoing training is critical to

have current, knowledgeable and competent members adjudicating. Members who become proficient as adjudicators during all three stages of an appeal including Pre-Hearing, Hearing and Post Hearing activities work in a more expeditious manner. This will result in decreased costs.

**Figure 6 – Member Development for 2009-2010**

Dates	Topic	Sponsor of Program/Course	Attendees
January 2009	Accessibility Training	OPS	Secretary
January 19, 2009	Paralegal & Agency Sector Workshop	SOAR	Secretary
May 4-8, 2009	Adjudicator Training Course	SOAR	1 member
May 26, 2009	Human Rights Workshop – Part Two	SOAR	2 members
June 11, 2009	Human Rights 101 Workshop	SOAR	Secretary
July 29, 2009	HTML and Dreamweaver Training	DPA Communications	Secretary
September 30, 2009	Human Rights Workshop	SOAR	English and French Chair
October 15, 2009	Administrative Law Forum	Osgoode	English and French Chair
November 5, 2009	Conference of Ontario Boards and Agencies (COBA)	SOAR	All members
January 6, 2010	Circle of Chairs	SOAR	English and French Chair

# ADJUDICATION

The Tribunals' primary role is adjudicating appeals by parents of the identification and/or placement decisions made by school boards about exceptional students.

## 1. Appeals Filed 2009-10

During 2009-10, the English Tribunal had six appeals filed. No appeals were filed with the French Tribunal during 2009-10. Each of these cases was addressed by the Tribunal as follows:

**Figure 7 – Table to Show Adjudication Activity for 2009-10**

Case Number	School Board	Exceptionality	Utilized Mediation	Disposition	Decision Rendered
2009-01	Upper Canada DSB	Physical	Yes	Settlement Reached	
2009-02	DSB of Niagara	Communication – Learning Disability	Yes	Settlement Reached	
2009-03	Halton Catholic DSB	Communication- Learning Disability and Intellectual- Giftedness	Yes	Proceeded to Full Hearing	Hearing Panel in Deliberations  No decision as of this fiscal year.
2009-04	Ottawa Catholic DSB	Multiple	Yes	Settlement Reached	
2009-05	Halton DSB	Intellectual- Developmental Disability	No	Parent Withdrew	
2009-06	Toronto DSB	Communication- Learning Disability	No	Parent Withdrew	

## 2. Judicial Review

Application for Judicial Review was filed by the Appellant of case 2008-05. The Court Hearing was scheduled for April 26, 2010. The English Tribunal prepared submissions to the Court .

### **3. Submissions Made to the Human Rights Tribunal of Ontario (HRTO)**

The English Tribunal (SET) prepared submissions in response to the interim order of Vice-Chair, Mark Hart of the Human Rights Tribunal of Ontario (HRTO) in the matter of Sigrist and Carson v. London Catholic District School Board. The SET was asked to provide submissions on whether the SET has exclusive jurisdiction over matters relating to the placement and accommodation of students with special needs, such that the HRTO has no jurisdiction to deal with this matter.

It was the submission of the SET, that the SET is the most appropriate place for special education matters to be heard. The SET serves the role of final arbiter of a highly detailed decision concerning the alignment of a student's needs with potential resources available for their particular learning exceptionality. Because of this role and the statutory scheme under which it operates, the SET has the exclusive jurisdiction to decide matters of identification and the particular placement of a student. Identification is a precursor to the determination of an appropriate placement, and the provision of appropriate special education programs, services and accommodations in that placement. The SET's decisions have established that programs and services are intrinsically linked with placement and therefore are also within the SETs jurisdiction.

As of the end of the fiscal year 2009-10 the HRTO had not rendered a decision.

**Figure 8: Total Number of Appeals Received and Disposed 1996 to 2010**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	Active Cases on Register as of April 1	New cases	Total cases in year	Closed without a hearing on the merits	Withdrawn by parent	Consent Orders	Written decision on merits	Resolved through mediation	Resolved in year	Active Cases on Register as of March 31
1996-1997	<b>0</b>	2	<b>2</b>		1				<b>1</b>	<b>1</b>
1997-1998	<b>1</b>	6	<b>7</b>		4		2		<b>6</b>	<b>1</b>
1998-1999	<b>1</b>	2	<b>3</b>						<b>0</b>	<b>3</b>
1999-2000	<b>3</b>	2	<b>5</b>				2		<b>2</b>	<b>3</b>
2000-2001	<b>3</b>	6	<b>9</b>		4		1		<b>5</b>	<b>4</b>
2001-2002	<b>4</b>	2	<b>6</b>		1		4		<b>5</b>	<b>1</b>
2002-2003	<b>1</b>	13	<b>14</b>		3		1		<b>4</b>	<b>10</b>
2003-2004	<b>10</b>	12	<b>22</b>	1	7		4		<b>12</b>	<b>10</b>
2004-2005	<b>10</b>	8	<b>18</b>	2	1		2		<b>5</b>	<b>13</b>
2005-2006	<b>13</b>	11	<b>24</b>	3	5	1	1		<b>10</b>	<b>14</b>
2006-2007	<b>14</b>	3	<b>17</b>	4	6	3	5		<b>17</b>	<b>0</b>
2007-2008	<b>0</b>	8	<b>8</b>	2	1	0	0		<b>6</b>	<b>5</b>
2008-2009	<b>5</b>	1	<b>6</b>	1	0	1	0	<b>3</b>	<b>4</b>	<b>2</b>
2009-2010	<b>2</b>	6	<b>8</b>	0	1	0	0	<b>4</b>	<b>5</b>	<b>2</b>
2010-2011	<b>2</b>									

## 1. Unrepresented Parties

The matter of unrepresented parties continues to be of concern to the Tribunals. Usually parents come to a hearing unrepresented. This presents many different challenges and can often slow down the process of the hearing itself. It takes more time to explain the hearing procedures while trying to achieve a balance of assisting the parents but not providing legal advice.

School boards were represented by legal counsel. This can be intimidating to parents. This year the Tribunals noted a change in the status of representation. In the four mediated cases during 2009-10, three families had legal representation. The one parent that did not was the case that proceeded to a five day hearing.

The Tribunals' recent initiatives to further enhance the process included improving the forms that the parties complete at the start of the process, and the provision of written resources about the process to the parties. This has appeared to have helped.

## 2. Communication and Access

Parent inquiries during this year made up 21% of the total contacts with the Tribunals. The Tribunals consistently hear from parents that they have not been adequately informed of the process for identifying and placing their child in a special education program. Despite the fact that the *Education Act* mandates that school boards must provide parents with the Parent's Guide to Special Education, many parents do not have access to this document in a timely manner. The Tribunals note that the Ministry of Education has refreshed its website which now contains specific information for parents of exceptional students and that all school boards now have their Special Education Plans and Parents Guides posted on their websites. This is a positive step towards to informing parents. Despite this, many parents face difficulties navigating the website and are unable to find the requisite information. Parents would benefit from having a hard copy of their board's Parent Guide handed to them.

Parents face another barrier to access from time to time. During this past year, the information filed by the parents in the appeal forms indicated that some school boards do not appoint a Special Education Appeal Board (SEAB) in response to parental requests and in accordance with the legislated process and timeline. As a result, some parents approach the Tribunals without an SEAB decision. The Tribunals' involvement sometimes results in the appointment of an SEAB which is outside of the legislated timelines.

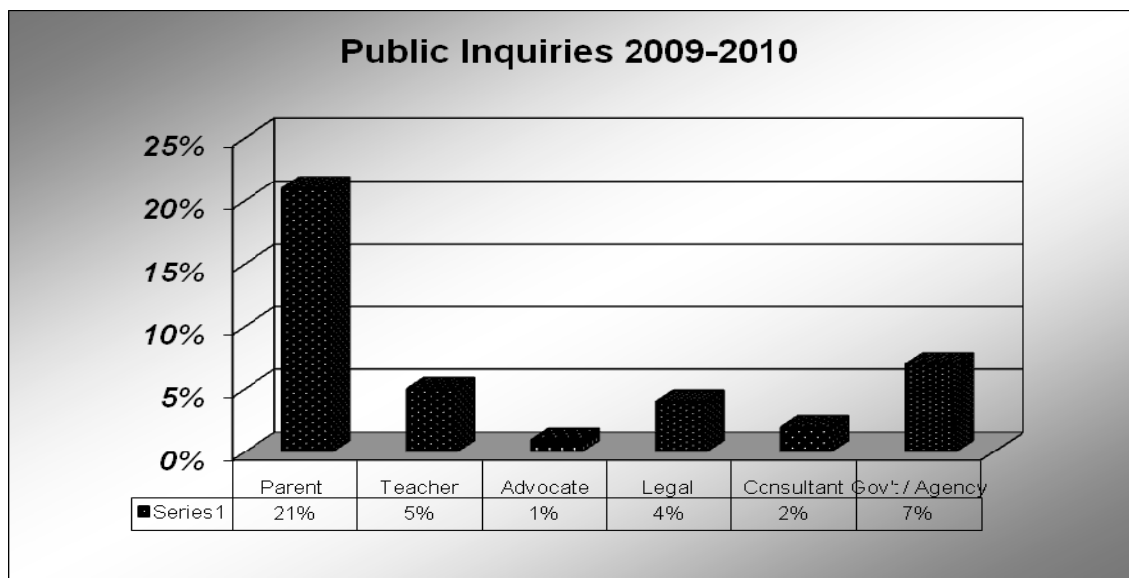
## EXPENDITURES

It is important that the public be well informed of the Tribunal process. When parties have knowledge of the process, it reduces the costs associated with delays and misunderstandings that can occur throughout the appeal.

The Tribunals' outreach function consists of responding to public inquiries in an expedient and effective manner, and in providing an accessible website. The public can also provide feedback to the Tribunals through the website.

The inquiries received by the Tribunal Secretary during 2009-2010 were mainly made by parents of exceptional students. Most inquiries related to questions about the IPRC process and information generally about special education resources in schools. Parents who have contacted the Tribunal are either uninformed or misinformed of the processes used in their community schools to access supports for their children. The lack of information is obvious and has been an ongoing concern for parents and the Tribunal alike.

**Figure 9: Public Inquiries 2009-2010**



The Tribunals' website, [www.oset-tedo.ca](http://www.oset-tedo.ca) continues to be an important source of information for the general public, school boards, the legal community, universities and colleges and, in particular, parents who were seeking information regarding Special Education and the IPRC process.

**Figure 8: Comparison of Expenditures for the Fiscal Years 2007-08, 2008-09 and 2009-10.**

	2007-08	2008-09	2009-10
<b>Transportation and Communication</b>	\$ 33,000	\$35,140	\$ 17,526
<b>Services</b>			
• <b>Per diem payments to members</b>	\$211,789	\$237,597	\$190,306
• <b>Other services</b>	\$ 47,602	\$85,937	\$ 34,275
<b>Supplies and Equipment</b>	\$ 5,167	\$9,755	\$ 10,400
<b>TOTAL</b>	\$298,177	\$368,429	\$252,825**

\*\* Remainder for 2009-10 = \$102,676 (as reported in the Management Report)

The Tribunals were \$102,676 under the projected budget for 2009-10. This difference resulted from the elimination of one all members meeting during the fiscal year and the significant savings resulting from the successful and effective use of mediation services to resolve disputes.

## *FUTURE PLANNING*

Recent legislation has changed the way adjudicative Tribunals function and meet their legislative mandate. All accountability measures that are required by the *Agency Establishment and Accountability Directive, February 2000* are the responsibility of the Chairs. New responsibilities required by the *Accountability, Governance and Appointments Act, 2009* will be addressed by the Tribunals. These responsibilities combined with additional ones identified in this *Act*, will continue to be developed during the 2010-11 fiscal year.

To further support effective dispute resolution, the Tribunals plan to expand the current complement of trained mediators. This will ensure that the Tribunals are in a state of readiness to offer mediation to parties in a timely manner and at the same time is able to proceed with its adjudication mandate without any delay, where appropriate.

The Tribunals' public website is constantly being updated to improve navigation and to ensure timely posting of documents such as new Rules and policies. The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) and the *Accessibility Standards for Customer Service* requires the Tribunals to address the issue of accessibility on the website; this in conjunction with the ongoing need to ensure appropriate information is available to the general public and parents of children in schools, makes the website a priority for enhancement.

The Tribunals will continue to improve upon their adjudicative processes ensuring that timely, effective and fair decisions are and continue to be made in the best interests of exceptional students in Ontario.