



The Ontario Special Education (English) Tribunal

Subject: PRACTICE DIRECTION – SEIZED CASES

Date of Issue: May 2006

Dates of Amendments: October 2007, May 2008, January 2011

NOTE: Practice Directions support the Tribunal's *Rules of Procedure*. In particular, they set out procedures to achieve uniformity in practice. In addition, they tell parties what the Tribunal expects of them and what the parties can expect of the Tribunal. In the event of an inconsistency with the *Rules*, the *Rules* govern.

INTRODUCTION

The Tribunal may, when deemed appropriate, remain seized over the implementation of a decision for a specified period of time. The term, "remain seized" means that the Tribunal has decided to retain jurisdiction over the implementation of its decision or order. The purpose of this practice direction is to set out the procedures for remaining seized. If the Tribunal decides to remain seized, the order section in its decision will state specifically that the Tribunal is remaining seized over the implementation of its decision and will specify the length of time for which this applies.

PRACTICE DIRECTION

A party who is concerned about the implementation of a decision that was seized may contact the Tribunal in writing.

1. The Secretary will provide the written concern to the responding party and to the Panel Chair.
2. The hearing panel will review the letter and notify the parties of the steps to be taken within seven (7) days of receiving the party's concern.
3. These steps may include:
 - taking no action because the initiating party's letter does not refer to the issues over which the Tribunal is seized; or
 - arranging a teleconference to discuss the exchange of materials and/or to arrange for a hearing.
4. Where the Tribunal requests submissions from the parties, the exchange of materials will proceed as follows:
 - The responding party file with the Tribunal a written submission within fourteen (14) days of receipt of the Tribunal's request for a submission.

- Upon receipt of the submission the Secretary shall send the responding party's submission to the panel Chair and the initiating party.
 - The initiating party may file a reply submission with the Tribunal within fourteen (14) days of receipt of the responding party's submission.
 - The Secretary shall send the initiating party's reply submission to the Panel Chair, the panel members and the responding party.
5. The hearing panel, after considering any submissions filed by the parties may:
- Request further submissions.
 - Request a teleconference with the parties to be arranged through the Secretary.
 - Determine that a hearing is required.
6. The hearing panel will respond with its decision in writing within thirty (30) days.

RENDERING THE DECISION

After considering the matter, including all submissions and evidence received, the Tribunal may:

- Dismiss the request of the initiating party, or
- Make a further order, which will be in compliance with Section 57 (5) of the *Education Act*.