

# Board defends its decision to ask for judicial review

• from TRUSTEES on page 1 board.  
Parents of exceptional students who wish to appeal board-level decisions are entitled to bring their cases to the tribunal.

But the school board has asked for a judicial review to look at whether the tribunal actually has the jurisdiction to order the board to amend its special education plan by creating a new program.

"The judicial review is the only way to define what the jurisdiction is," said board Director Dusty Papke, who noted that the last few years have seen the tribunal used more frequently.

Although the Halton public board has only been involved in two previous appeals to the special education tribunal, Mr. Papke noted that the process is both confrontational and expensive.

He said there's a need to clarify exactly what issues the tribunal has the right to deal with.

Trustees Bruce Jones (Oakville), Wes Pulling (Burlington), Peggy Russell (Burlington) and Susan Sheppard (Oakville), have publicly announced they oppose the board seeking a judicial review of the case.

The four, along with Ms Kerr-Hlusko, signed a letter to Education Minister Gerard Kennedy stating: "The Halton

District School Board should not be taking this matter to court. As school board trustees, we take exception to spending public dollars on legal fees in this manner and the tactics used to diminish the voices for children."

The same trustees also boycotted a committee of the whole meeting of the school board last week to make their position clear.

Ms Russell said the trustees opted not to attend the meeting as a way of sending a message to their colleagues on the board and the public.

"We have to take a stand," she said. "This is not an issue that can remain within our four walls. It's too important and it affects too many lives."

Added Mr. Jones, "We have a moral obligation to say that this is wrong."

Opponents of the board's decision to ask for a judicial review suggest that it will undermine the authority of the tribunal.

In their letter to Mr. Kennedy, the four school board trustees also argued that the tribunal has been effective in cost-effectively resolving issues in the best interest of children.

"The tribunal process should resolve a placement dispute regarding a special needs student, with both parties bound by the deci-

sion," the letter reads.

Mr. Jones said the trustees who signed the letter will now return to their seats around the school board table and continue with their work.

"We are not interested in disrupting the operation of the system or the board," said Mr. Jones, who added that he hopes parents don't perceive the board table battles as an indication of problems throughout the system.

But board Chair Mary Chapin said the boycott of the meeting was ineffective because the trustees didn't make it clear why they weren't there to other members of the board.

Ms Chapin added that the request for the judicial review in the Hlusko case could save the board money.

The tribunal hearing is expected to cost the board about \$120,000, including the cost for staff required to appear. A judicial review would cost about half that, said Ms Chapin, who noted the review is the next level of appeal for a tribunal decision so it makes sense for the board to go directly to the final decision-making power.

"In my opinion, it is the responsible thing to do on behalf of the owners of the Halton District School Board — the taxpayers," she said.

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