

MEDIA RELEASE

For Immediate Release

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**Crucial hearing in autism class action lawsuit to take place on Monday,
February 11 at Court of Appeal for Ontario**

Court to rule on whether class action on autism treatment and education can continue

TORONTO – A high-stakes hearing in a landmark autism class action lawsuit will take place at the Ontario Court of Appeal on Monday, February 11 at 10:30 am. The Court will hear arguments on several key issues in the case, in which parents are fighting the Ontario government and school boards for full and timely access to effective treatment and education for children with autism. Among the issues to be decided is whether the case can continue at all.

“This is a make-or-break day in court for us,” said Lynn Shane, one of the parents behind the class action. “It’s been a long and difficult journey, but I’m hopeful that the court will allow us to continue to fight so children with autism can one day have the education and therapy they require.”

The class action was filed in 2004 by five families (representing six children with autism) against the Ministry of Education, Ministry of Children and Youth Services, and seven provincial school boards.

The families allege that the educational authorities have failed to adequately provide or fund crucial ABA/IBI (short for Applied Behaviour Analysis and Intensive Behavioural Intervention) treatment in the school system or without excessive and detrimental delays. They are seeking a change to current autism services, as well as compensation for the expenses they have been forced to incur to place their children into private programs for autism.

“In Ontario, all other children who require therapeutic or medical services are able to access them in a harmonized fashion alongside their education. But children with autism are the exception,” said lawyer David Baker, who represents the group of families. “These children face multi-year waitlists for treatment. Then, when treatment is available, the public school system refuses to allow appropriate services in the classroom.”

As a result, parents are forced to place their children in segregated private programs at enormous personal expense, even though there is already money in the public system that could be used to provide adequate ABA/IBI for the children.

In the United States, children with autism are able to access ABA/IBI through the education system and have been doing so for over 15 years, but Canada has lagged behind. During the election campaign in the fall of 2007, the Ontario Liberal Party promised it would “help more students with autism by providing \$10 million to prepare schools to deliver IBI therapy on-site for the first time.” So far, however, that promise has not been fulfilled.

For the parents, it's been a difficult fight, against a government legal team that plays hardball – on a motion to kill the case, filed in 2006, government lawyers went after the families for \$85,000 in legal costs. But Lynn Shane says the families are committed to continuing the class action – if the judge decides to allow the case to proceed.

“When you're talking about your child's ability to learn and to grow, you don't give up easily,” she said.

Autism Class Action Lawsuit Appeal Hearing
Monday February 11, 2008 at 10:30 am
Court of Appeal for Ontario
130 Queen Street West, Toronto (at University Avenue, just west of City Hall)

For More Information or for Comment Please Contact:

Lynn Shane, Plaintiff
905-607-3149
lynn_hunter_shane@yahoo.ca

Taline Sagharian, Plaintiff
416-522-8426
t.sagharian@sympatico.ca

David Baker, Counsel
416-533-0040 ext. 222
dbaker@bakerlaw.ca

Faisal Bhabha, Counsel
416-533-0040 ext. 260
fbhabha@bakerlaw.ca