

# INDIVIDUAL EDUCATION PLAN ORDER

**Authority:** *School Act*, section 168 (2) (a)

Ministerial Order 638/95 (M638/95)..... Effective December 19, 1995  
Amended by M319/96..... Effective August 21, 1996  
Amended by M011/98..... Effective January 21, 1998  
Amended by M19/00..... Effective January 26, 2000  
Amended by M261..... Effective November 17, 2006  
Orders of the Minister of Education

## Interpretation

1. In this order,

“authority” means an authority under the *Independent School Act*;

“distributed learning” means a method of instruction that relies primarily on indirect communication between students and teachers, including internet or other electronic-based delivery, teleconferencing or correspondence;

"educational program guide" means a document specified as an educational program guide in Ministerial Order 333/99, the Educational Program Guide Order;

"IEP" means an individual education plan designed for a student and includes one or more of the following:

- (a) learning outcomes for a course, subject and grade that are different from or in addition to the expected learning outcomes for a course, or subject and grade set out in the applicable educational program guide for that course, subject and grade, as the case may be;
- (b) a list of support services required for the student to achieve the learning outcomes established for the student;
- (c) a list of the adapted materials, or instructional or assessment methods required by the student to meet the learning outcomes established for the student in the IEP, pursuant to a ministerial order or in a local program,

"student with special needs" means a student with special needs, as defined in Ministerial Order 150/89, the Special Needs Students Order.

[am. M319/96; am. M19/00; am M261/06]

## IEP for students with special needs

2. (1) A board must ensure that an IEP is designed for a student with special needs, as soon as practical after the student is so identified by the board.

(2) Subsection (1) does not apply where

- (a) the student with special needs requires no adaptation or only minor adaptations to educational materials, or instructional or assessment methods,
- (b) the expected learning outcomes established by the applicable educational program guide have not been modified for the student with special needs, and
- (c) the student with special needs requires in a school year, 25 hours or less remedial instruction, by a person other than the classroom teacher, in order for the student to meet the expected learning outcomes referred to in paragraph (b).

[am. M011/98]

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### 3. *REPEALED.* [M319/96]

#### Review and consultation

4. Where a board is required to provide an IEP for a student under this order, the board
- (a) must ensure that the IEP is reviewed at least once each school year following the year the IEP is developed and, where necessary, it is revised, or cancelled, and
  - (b) must offer a parent of the student, and where appropriate, the student the opportunity to be consulted about the preparation of an IEP.

[am. M319/96]

- 4.1
- (a) This section only applies to students with special needs in any of grades 10 to 12 who receive instruction through distributed learning and who
    - (i) enroll in one or more educational programs provided by boards, or
    - (ii) in addition to enrolling in one or more educational programs provided by boards enroll in an educational program offered by an authoritybut it does not apply if
    - (i) the student with special needs requires no adaptation or only minor adaptations to educational materials, or instructional or assessment methods,
    - (ii) the expected learning outcomes established by the applicable educational program guide have not been modified for the student with special needs, and
    - (iii) the student with special needs requires in a school year, 25 hours or less remedial instruction, by a person other than the classroom teacher, in order for the student to meet the expected learning outcomes referred to in paragraph (ii).
  - (b) A board must consult with another board about the IEP of a student with special needs as soon as practical after the board is informed by the Ministry of Education, the other board, the student's parent or the student that the student with special needs is also enrolled in an educational program that is provided by the other board.
  - (c) A board must consult with an authority about the IEP of a student with special needs as soon as practical after the board is informed by the Ministry of Education, the authority, the student's parent or the student that the student with special needs is also enrolled in an educational program that is provided by the authority.

[en.M261/06]

#### Implementation of an IEP

5. Where a board is required to provide an IEP for a student under this order, the board must offer each student learning activities in accordance with the IEP designed for that student.

[am. M319/96]