

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
Amended by M298/22 Effective October 4, 2022
Amended by M221/24 Effective July 1, 2024
Orders of the Minister of Education and Child Care

Interpretation

1 In this order,

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

"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 disabilities or diverse abilities" means a student with disabilities or diverse abilities, as defined in Ministerial Order 150/89, the Students with Disabilities or Diverse Abilities Order.

[am. M319/96; am. M19/00; am M261/06; am. M298/22; am. M221/24]

IEP for students with disabilities or diverse abilities

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

(2) Subsection (1) does not apply where

- (a) the student with disabilities or diverse abilities 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 disabilities or diverse abilities, and
- (c) the student with disabilities or diverse abilities requires in a school year, 25 hours or less remedial instruction, by a person other than the classroom teacher, in

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order for the student to meet the expected learning outcomes referred to in paragraph (b).

[am. M011/98; am. M221/24]

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 disabilities or diverse abilities in any of grades 10 to 12

who receive instruction through online 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 authority

but it does not apply if

- (i) the student with disabilities or diverse abilities 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 disabilities or diverse abilities, and
 - (iii) the student with disabilities or diverse abilities 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 disabilities or diverse abilities as soon as practical after the board is informed by the Ministry of Education and Child Care, the other board, the student's parent or the student that the student with disabilities or diverse abilities 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 disabilities or diverse abilities as soon as practical after the board is informed by the Ministry of Education and Child Care, the authority, the student's parent or the student that the student with disabilities or diverse abilities is also enrolled in an educational program that is provided by the authority.

[en.M261/06; am. M298/22; am. M221/24]

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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]