



GUIDELINES FOR THE AUDIO RECORDING OF IEP/SECTION 504 MEETINGS

Neither federal nor state law requires that participants be allowed to videotape, audio record, or transcribe IEP/Section 504 meetings. Videotaping and court reporting are never allowed. Audio recording will be permitted during IEP/Section 504 meetings in accordance with the following circumstances:

1. The District will take whatever action is necessary to ensure a parent/guardian understands the proceedings at IEP/Section 504 meetings. That action may include allowing the parent/guardian to record the proceedings. But because the act of recording can inhibit the free discussion that should take place in the meeting and may, in fact, be counterproductive to a full understanding of the IEP/Section 504 meeting, recording will only be allowed if no other adequate accommodation can be provided. Therefore, a parent/guardian desiring to record must demonstrate that no other accommodation will allow him or her to fully and meaningfully participate in the meeting. Examples of such a need include a language barrier that cannot be resolved through the presence of an interpreter or by other means, or a disability as discussed below.
2. The Americans with Disabilities Act ("ADA") provides that no qualified person with a disability shall, by reason of such disability, be excluded from participation in, or denied the benefits of the services, programs, or activities of the School District. The ADA applies to IEP/Section 504 meetings in the same way as it does to other District activities. Therefore, the District will provide reasonable accommodations to persons who are disabled within the meaning of the ADA. Recording an IEP/Section 504 meeting may constitute such an accommodation, but the District may elect to provide an accommodation other than recording so long as it is reasonable under that law. Persons who require any accommodation in order to ensure their full participation in the IEP/Section 504 process will be required to disclose the need for such accommodation and the specific accommodation requested at least three (3) days prior to the meeting via the Office of Legal Services, ADA Compliance Officer (407) 317-3411. This disclosure shall be made prior to the IEP/Section 504 meeting to allow proper consideration and discussion of the request via the OCPS Office of Legal Services.
3. When recording is necessary in order to comply with the District's obligations under IDEA/Section 504 or the ADA, only audio recording will be allowed. Neither a court reporter nor videotaping will be permitted. When an audio recording is made of an IEP/Section 504 meeting by any participant, the District will also audio record and the

District's copy of the audio recording will be maintained and treated as an educational record under Florida and federal law.

4. The audio recording will not be a part of, substitute for, amend, expand, or limit the IEP itself or any other document or record prepared as a part of the IEP/Section 504 process.
5. Florida law allows the audio recording of a person's conversation only with that person's consent. The granting of permission by the District to audio record an IEP/Section 504 meeting will be deemed to be consent by the meeting participants employed by or representing the District, but only to the extent that the audio recording is used by the requesting parent/guardian for his or her personal use to facilitate his or her understanding of the IEP/Section 504 meeting. Therefore, the audio recording and its contents will not be disseminated to any other person without the consent of all persons whose conversations were recorded.

Supporting/Legal Authority:

The refusal to allow the recording of an IEP meeting does not deny a student FAPE and does not impede or affect a parent's ability to meaningfully participate in an IEP meeting or exercise their rights under IDEA. Jackson County School Board v, A.L, et al., DOAH Case No. 12-2526E (Fla. DOAH 2012) (Final Order).

A parent is not entitled to bring a court reporter to an IEP meeting. F.C. v. Sch. Bd. Of Miami-Dade County Fl., 998 So. 2d. 614 (Fla. 3d DCA 2009).

The Office for Special Education (OSEP) affirmed that neither a school board nor a parent has a right to record IEP meetings. OSEP Memorandum 91-24, (July 18, 1991); OSEP Letter to Anon., 40 IDELR 70 (June 4, 2003).

The State of Florida has adopted procedural safeguards and due process protections consistent with federal regulations. Those procedural safeguards do not include a parent's right to record an IEP or other student meetings. 34 C.F.R. §300.121 and §300.129; OSEP Letter to William L. Librera, Ed.D., (Dec. 20, 2004); Fla. Admin. Code R. 6A-6.03311.

There is no general right to record meetings under IDEA. Horen v. Bd. of Educ. of City of Toledo Pub. Sch. Dist., 655 F. Supp. 2d 794, 803 (N.D. Ohio 2009).

Recording is allowed based upon an impairment which prevents the parent from participating in the process such as when a parent has trouble understanding written and spoken English. E.H. v. Tirozzi, 735 F. Supp. 53, 57 (D. Conn. 1990).

A parent was allowed to record a meeting due to disability in the hand, making note taking difficult. V.W. v. Favolise, 131 F.R.D. 654 (D.Conn. 1990).