



Use of Audio Recording Devices at IEP Team Meeting

The Individuals with Disabilities Education Act (IDEA) and Code of Maryland Regulations (COMAR) are silent regarding the use of audio or video recording devices in the context of IEP team meetings. As a result, the U.S. Department of Education, Office of Special Education Programs (OSEP) has consistently held that each State has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP team meetings. See *Letter to Savit*, 67 IDELR 216 (Jan 19, 2016); 64 Fed. Reg. 12406, 12477 (Mar 12, 1999). The Maryland State Department of Education has issued guidance that allows for parents to record meetings unless the local school system prohibits such activity. Consequently, Baltimore County Public Schools (BCPS) has adopted the following guidelines related to audio recordings of IEP Team Meetings:

1. BCPS respects a parent's right to make a request to record the IEP Team meeting using an audio recording device. (BCPS prohibits video recording of IEP Team meetings.)
2. If a parent wishes to record the IEP Team meeting, the parent is asked to provide at least 24 hours' notice to ensure proper setup of the meeting room. When a parent requests a meeting to be recorded, BCPS staff will also record independently. If BCPS staff plans to record the IEP Team meeting, the same 24-hour notification will be provided to the parent.
3. BCPS provides consent on behalf of the school and central office IEP team meeting participants; individual staff members do not have the option to decline to participate.
4. The recording of any IEP Team meeting is maintained by BCPS as an "educational record" protected under the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). The recording should not be disclosed without prior consent. BCPS must comply with a parent's request to access the recording within a reasonable time, but in no case later than 45 days after receipt of the request.