

The Right to Record IEPs

Individual Education Plan (IEP) meetings are mandated by State law for any student eligible for special education services. These meetings are comprised of district officials, educators, parents, and testing experts and can be very long, emotional, and complicated.

Missouri is a one-party consent recording state, meaning that only one person in a conversation needs to know that the conversation is being recorded for it to be legal to record. Yet most Missouri schools prohibit parents and guardians from recording meetings related to special education, including their children's IEP and 504 meetings.

Missouri School Board Association's recommended policy, adopted by Columbia, Springfield, Joplin, Independence, Saint Louis Public Schools, and many more districts:

- Prohibits the use of audio, visual or other recording devices at meetings held pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as well as other meetings among district employees and between district employees and parents/guardians.
- Exceptions to this prohibition will be made only in accordance with Board policy and law.

Why would parents want to record?

- The meeting belongs to the student and it should be up to the parent to decide if it should be recorded.
- Parents and students with disabilities attend these meetings. Recording needs to be available for these individuals through the ADA. A parent should not have to disclose his/her disability and have it placed on the student's record.
- Discrepancies arise between what a parent or teacher thinks was decided at a meeting and what is written on the plan. Recording is a quick, easy way to make sure the document is correct.
- Recordings protect everyone on the IEP or 504 team by assuring full transparency.

Why should schools want to record?

- New faculty or faculty absent the meeting would be able to quickly catch up on the child's educational plan.
- It would protect staff in the event of a due process or child complaint hearing.
- It would better allow parents and teachers to actively listen to each other instead of taking detailed notes.
- Allowing teachers to use the recording to draft their notes would ensure more accuracy in the report.

Recommendations

To ensure the educational success and wellbeing of all students, the Missouri Legislature should pass HB 228/ SB 134 prohibiting local districts from barring recording devices at IEP and 504 meetings between parents and faculty.