

Students with Disabilities: Recording of Meetings

It shall be the policy of Milford Area Public Schools District No. 124 to prohibit the audio- or video-recording of meetings conducted pursuant to the Individuals with Disabilities Education Improvement Act (“IDEIA”), 20 U.S.C. §1401 et seq., or Article 14 of the Illinois School Code, 105 ILCS 5/14 and the implementing regulations thereto, including but not limited to Individualized Education Program (“IEP”) meetings, manifestation determination meetings, or other special education meetings.

The purpose of this policy is to ensure the uninhibited and free exchange of information regarding students, which the District believes would be hindered and quashed by the audio- or video-recording of meetings. Without a free exchange of information, the decision-making of parents and the IEP team may be obstructed.

The Superintendent of Schools shall develop administrative procedures to ensure that this policy is uniformly applied.

This policy shall further provide for limited exceptions to the prohibition if recording of a meeting is necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under the IDEIA. If a parent can demonstrate a *bone fide* requirement to record a meeting, the parent must provide the District prior notice of their intent to record a particular meeting in order to ensure that the District will also have the opportunity to record the meeting. Failure of a parent to provide this notice may result in a rescheduling of the meeting.

Any recording of an IEP meeting that is maintained by the public agency is an “education record,” within the meaning of the Family Educational Rights and Privacy Act (“FERPA”; 20 U.S.C. 1232g) and the Illinois School Student Records Act (“ISSRA”; 105 ILCS 10/1 *et seq.*) and would, therefore, be subject to the requirements of the regulations under FERPA (34 CFR Part 99), IDEIA (§§300.560-300.575), and the Illinois School Student Records Act (“ISSRA”; 105 ILCS 10/1 *et seq.*).

LEGAL REFERENCES:

Horen v. Board of Education of the City of Toledo Public School District, -- F.Supp.2d --, 2009 WL 2922297 (N.D. Ohio 2009).

Letter to Anonymous, 40 IDELR 70 (U.S. Dept. of Education Office of Special Education Programs, June 4, 2003).

Letter to Savit, 67 IDELR 216 (U.S. Dept. of Education Office of Special Education Programs, 2016).