

TOPIC – IEP Meetings

“May a parent record an IEP team meeting?”

Neither IDEA nor its regulations address the issue of recording IEP meetings. This is also true of Rule 51 and Nebraska State Statutes. OSEP established its position in a *Letter to Anonymous*, 40 IDELR 70 (OSEP 2003) **by stating that IEP meetings may be videotaped or audiotaped to the extent a SEA or public agency allows.** If the use of recording devices is prohibited or limited, the school district must make exceptions for a parent for whom recording devices are necessary to understand the proceeding of the IEP or the IEP process. OSEP also instructed that any rule or policy adopted for regulating the recording of IEP meetings must be uniformly applied. It also confirmed that any recording maintained by the school district is an education record as defined under the Family Educational Rights and Privacy Act (FERPA) and is subject to the IDEA’s confidentiality requirements.

92 NAC 51-007.06E states, “The school district or approved cooperative shall take whatever action is necessary to ensure that the parent understands the proceedings of an IEP conference.”

“What happens if the parent does not agree with the school district’s proposed IEP?”

While parents are “equal” participants in the IEP process, that does not mean they have veto power. It is an incorrect interpretation of the IDEA to assign to the school district and to the parents “one vote” each; parents do not have an equal vote in formulating a student’s IEP. **If the parents do not agree with the IEP proposed by the school district, the school district should provide a written notice to the parents indicating that in 10 days** (or whatever number of days the district has established in their policies and procedures) that the district will begin implementing the new IEP. Parent may request mediation to resolve the dispute or may file for a due process hearing. If the parent requests a due process hearing, the “stay put” provision contained in 92 NAC 55 would apply.

92 NAC 51-009.14B states, “A parent or school district or approved cooperative may initiate a hearing on any of the matters described in 92 NAC 51-009.05A relating to the identification, evaluation, or educational placement of the child with a disability, or the provision of FAPE (Free Appropriate Public Education) to the child by filing a petition pursuant to 92 NAC 55.”