



Nancy S. Grasmick  
State Superintendent of Schools

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**MEMORANDUM**

**TO:** Local Directors of Special Education  
**FROM:** Carol Ann Baglin, Ed.D.  
Assistant State Superintendent  
Division of Special Education/Early Intervention Services  
**SUBJECT:** Audio Recording of Individualized Education Program (IEP) Team Meetings  
**DATE:** February 7, 2006

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Recently, this office has had several inquiries about the Maryland State Department of Education (MSDE) policy regarding the audio recording of IEP team meetings. In response, I am sharing this guidance with all local directors. This is developed in accordance with the Individuals with Disabilities Education Act (IDEA), which gives each state education agency (SEA) the responsibility of ensuring that the requirements of IDEA are carried out and that each educational program in the State meets the education standards of the SEA (34 CFR §300.600).

The MSDE does not have a policy that limits or prohibits the use of audio recording devices at IEP team meetings. Notwithstanding, based on the guidance given in 34 CFR §300, Appendix A, MSDE has determined that each public agency may develop such a policy. If the public agency determines that the audio recording of IEP meetings will be limited, it is required to ensure that its written policy is consistent with the intent of IDEA and any guidance issued by MSDE, the United States Department of Education, or applicable laws. Pursuant to guidance in the IDEA, any policy developed must allow for exceptions when necessary to ensure that the parent understands the IEP process and is able to implement other parental rights under the Act. Additionally, if a public agency chooses to implement a procedure that limits or restricts the audio recording of IEP meetings, a copy of the policy must be submitted to this office (34 CFR §300.182).

Please be aware that absent a public agency policy that limits the use of audio recording devices, each public agency must permit the audio recording of IEP meetings. In order to ensure Statewide compliance, I am requesting that following your review you take the steps necessary to disseminate this information to all appropriate staff. I am hopeful that this clarifies any questions regarding this matter, and I remain confident that every effort will continue to be made to facilitate parental involvement in the IEP team process.

CAB/dw

c: Nancy S. Grasmick  
Local Superintendents of Schools  
Local Assistant Superintendents for Instruction  
Harry Fogle, IMCI Team

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Education Advocacy Centers  
Family Support Centers