

NOTICE OF PROPOSED RULE

SCHOOL BOARD OF SARASOTA COUNTY, FLORIDA

RULE NO.: 5.712

RULE TITLE: Recording IEP Meetings

PURPOSE AND EFFECT: To codify into a school board policy the general longstanding practice of the School Board of Sarasota County, Florida to permit recording of IEP meetings upon request by allowing it upon advance parental notification.

SUMMARY: This proposed policy will permit parents of a student with an IEP plan to record IEP meetings upon advanced written notification to the ESE liaison at the student’s school. If an IEP meeting is recorded, the school-based ESE liaison shall ensure the school also records the meeting. The school’s recording shall be properly recorded, maintained, and made a part of the student’s IEP file, and be maintained in accordance with law. When recording district personnel shall make best efforts to not identify other students during the meeting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The School Board has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: No SERC is required at this time by FS 120.54 or FS 120.541. In the event a SERC becomes required, the School Board of Sarasota County, Florida will promptly prepare one.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Sections 1001.41, 1001.42, 1001.49, 1001.51 Fla. Stat.

LAW IMPLEMENTED: 20 U.S.C. 1400-1482; F.S. 1003.57; F.S. 1003.571; F.S. 1003.5715; FAC 6A-6.03028; 34 CFR 300.321; 34 CFR 300.322; 34 CFR 300.300

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN CONFORMANCE WITH FS 120.54(3) AND 120.81(1)(d).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patrick Duggan, Esq., legal counsel for the School Board of Sarasota County, Florida, c/o Shumaker, Loop & Kendrick, LLP, 240 S. Pineapple Avenue, Sarasota, FL, 3423, (941) 366-6660.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 5.0 – STUDENTS

RECORDING IEP MEETINGS	5.712
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The use of audio recording devices at IEP meetings will be permitted upon advance written notification of a parent of a student with an IEP plan.

A parent seeking to record their student’s IEP meeting shall request to do so in writing at least 48 hours in advance of the scheduled IEP meeting. The written request shall be directed to the ESE liaison at the student’s school who shall

then notify the school-based administrator. The school-based administrator shall thereafter notify the District's ESE department administrators.

If an IEP meeting is recorded, the school-based ESE liaison shall ensure that the school also records the meeting. Use of a digital recorder is preferred, if possible. The school-based ESE liaison shall be responsible for ensuring the District's recording is properly recorded and maintained. All such recordings shall be made a part of the student's IEP file. Any recording shall be maintained and treated as an educational record in accordance with state and federal law.

If an IEP meeting is recorded, all District personnel shall make best efforts to not identify other students during the meeting.

STATUTORY AUTHORITY: F.S. 1001.41; F.S.1001.42; F.S.1001.49; F.S.1001.51

LAWS IMPLEMENTED: 20 U.S.C. 1400-1482; F.S. 1003.57; F.S. 1003.571; F.S. 1003.5715; FAC 6A-6.03028; 34 CFR 300.321; 34 CFR 300.322; 34 CFR 300.300

ADOPTED:

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Ziegler, Board Chair in conjunction with Superintendent of Schools Dr. Allison Foster.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The School Board of Sarasota County, Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Approved for advertising on February 21, 2023. Final approval by School Board of Sarasota County, Florida is to be determined.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN ACCORDANCE WITH FS 120.81(1)(d): March 2, 2023.