Before allowing parents to record IEP meetings, weigh potential for transcript errors

An IEP meeting is about to start, and the student's parents propose recording it with an app on their cellphone that simultaneously generates a transcript. They want to be able to search and read the text afterward if they forget anything.

The parents say the app is reliable, despite it sometimes replacing the word "IEP" with "teepee" and "behavior" with "flavor." But they may not understand that if it doesn't clearly pick up what team members say, the app can create sentences out of thin air or eliminate whole chunks of speech they may later need for context. Parents may be left with misleading notes after the meeting.

"It's inevitable that artificial intelligence note-taking tools will be incorporated into many school district processes and procedures, including IEP meetings," said Gretchen Shipley, an attorney at Fagen Friedman & Fulfrost LLP in San Diego and Inland Empire, Calif. "But districts have to make sure parents are cognizant of privacy and consent issues. There has to be some review of accuracy because AI's manipulating and packaging the information."

IEP teams should know how to respond if parents request to record their child's IEP meeting using an app that collects audio and creates a transcript. Teams need to protect parents' right to meaningfully participate while also preventing misinformation from being introduced into the IEP process. Teams can follow Shipley's tips below when parents express an interest in capturing IEP meetings with a note-taking tool.

Concerns to share regarding auto-generated transcripts	
Issue	**Response**
Accuracy	Share with parents that apps have a tendency to "hallucinate," Shipley said. If it doesn't pick up on everything someone said, it will fill in the gaps with what it thinks was said. "Accuracy is a concern," she said. "If it doesn't know a case, it will make it up." Underscore for parents that because of this, the notes being taken by the app cannot be the final record, Shipley said. "It can't be the official transcript," she said. The school may also want to audio record the meeting and have a school team member take notes, although not verbatim.
Consent	Clarify that it may not be enough for parents to give everyone notice at the beginning of a meeting that they plan to record it using a tool that also generates a live transcription, Shipley said. Your state may require affirmative consent to record a conversation. They would not be able to legally record unless they got permission from everyone in the meeting. "If someone is going to be utilizing a note-taking tool for an IEP meeting, they should confirm whether consent from every team member is required," she said.

Privacy	Ensure parents understand that if their recording app uses what is called open-source AI, their child's information may not remain confidential, Shipley said. "It might not be limited to the school environment," she said. "The student's personally identifiable information, disability status, and medical information may be shared beyond the platform." Ward off potential disagreements by keeping a list of approved apps for parents to choose from, Shipley said. It may make sense to add information on AI note-taking tools into existing parent trainings. Also review with parents their child's rights under FERPA. "The parents may not realize the implications of what they're doing," she said. "It's really not that different from typing into a search engine." Consider documenting after the meeting which platform the parents chose to use and that it was the parents who made the recording, Shipley said.

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