



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

February 12, 2008

Dear Representative:

The undersigned organizations urge you to cosponsor the IDEA Fairness Restoration Act, H.R. 4188, sponsored by Representatives Chris Van Hollen (D-MD) and Pete Sessions (R-TX).

For more than three decades, the Individuals with Disabilities Education Act has required states to provide an appropriate education to all children with disabilities. The law has been carefully crafted so that parents and schools jointly develop a strategic plan by which a child can learn. Unfortunately, there are times when parents and schools cannot agree. The law includes due process provisions as the means to resolve disagreements and requires families to be reimbursed for their attorneys fees when they prevail in judicial proceedings.

It is rare that parents go to court under IDEA. An overwhelming majority of parents simply wants schools to provide appropriate services. However, the due process protections are available as a last resort in those few instances when parents and schools cannot agree. In 2003, the Government Accountability Office reported that there were only 5 hearings per 10,000 special education students.

In 2006, the US Supreme Court ruled that parents cannot be reimbursed for expert witness fees incurred as part of the due process proceedings. In doing so, the Court disregarded Congress' clearly-expressed intent that parents should recover expert fees just like attorneys fees.<sup>1</sup> The IDEA Fairness Restoration Act would override the decision and make the process more equitable for parents of children with disabilities. School districts have access to in-house experts including therapists and psychologists. Parents do not have an equal arsenal of experts on the family payroll, nor are parents experts in all aspects of their child's education and disability. Expert fees can range from \$100 to \$300 per hour. The IDEA Fairness Restoration Act simply levels the playing field for those families for whom due process is their only hope for achieving an appropriate education for their child.

Please cosponsor the IDEA Fairness Restoration Act, H.R. 4188 to ensure that the 7 million children who rely on IDEA do receive an appropriate education.

Sincerely,

American Society for Deaf Children  
Association of University Centers on Disabilities  
Bazelon Center for Mental Health Law  
Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD)  
Council of Parent Attorneys and Advocates, Inc.  
Easter Seals  
Higher Education Consortium for Special Education

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<sup>1</sup> "Joint Explanatory Statement of the Committee of the Conference," H.R. Conf. Rep. 99-687 (1986) in support of the Handicapped Children's Protection Act.

Learning Disabilities Association of America  
National Alliance on Mental Illness  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities, Inc.  
National Disability Rights Network  
National Down Syndrome Society  
Teacher Education Division of the Council for Exceptional Children  
The ARC of the United States  
United Cerebral Palsy Association

For more information, please contact a co-chair of the CCD Education Task Force.

Katy Beh Neas, Easter Seals <a href="mailto:kneas@easterseals.com">kneas@easterseals.com</a>	202.347.3066
Paul Marchand, The Arc and United Cerebral Palsy <a href="mailto:marchand@thedpc.org">marchand@thedpc.org</a>	202.783.2229
Laura Kaloi, National Center for Learning Disabilities <a href="mailto:lkaloi@ncld.org">lkaloi@ncld.org</a>	703.476.4894
Jane West, Higher Education Consortium for Special Education and the Teacher Education Division of the Council for Exceptional Children <a href="mailto:jwest@acte.org">jwest@acte.org</a>	202.293.2450