

April 17, 2008

Re: H.R. 4188, IDEA Fairness Restoration Act
Support from 100 Disability Organizations Nationwide

Dear Member of Congress,

The undersigned 96 organizations ask you to cosponsor the IDEA Fairness Restoration Act, H.R. 4188. This bill, sponsored by Congressman Chris Van Hollen (D-MD) and Pete Sessions (R-TX), will restore Congress' original plan to enable parents of children with disabilities who prevail in judicial proceedings to recover their expert witness fees. Passing this bill is important to keep the process fair for the nearly 7 million children with disabilities.

The Individuals with Disabilities Education Act requires school districts to provide children with a free appropriate public education. But when school districts provide an education so inferior that it fails this basic legal obligation, parents can seek an impartial due process hearing to protect their child's rights. Expert testimony is often necessary in such cases. While parents who prevail can recover their attorneys' fees, they cannot recover expert witness costs as a result of the Supreme Court's decision in *Arlington Central School District v. Murphy* (2006). The IDEA Fairness Restoration Act will override this decision and help make the process fair for parents. (Parents proceed to litigation only as a last resort. In 2003, the GAO reported that there were only 5 hearings per 10,000 special education students. Only parents who prevail can recover attorneys' fees and would recover expert witness fees.)

H.R. 4188 will restore Congress' original intent when it passed the Handicapped Children's Protection Act of 1986--to allow prevailing parents to recover their expert witness fees. Congress knew then that parents have far fewer resources than school districts and most cannot afford expert witness fees. Twenty-one years later, this remains true. Approximately 36% of children with disabilities live in families earning less than \$25,000 a year; about 2/3 live in families earning less than \$50,000 a year. Few parents can afford the thousands of dollars needed to pay qualified medical, educational, and technical experts. While parents must hire expert witnesses to testify, school districts can use therapists, psychologists, and other expert witnesses on their payroll or hire witnesses at public expense.

Please cosponsor H.R. 4188, the IDEA Fairness Restoration Act, and help protect the rights of the nearly 7 million children with disabilities to a free appropriate public education. For more information on this issue, please contact Bob Berlow or Jessica Butler of the Council of Parent Attorneys and Advocates, Inc., 410-372-0208 or protectidea@copaa.org.

- 1 Council of Parent Attorneys and Advocates, Inc., COPAA
- 2 National Disability Rights Network, NDRN
- 3 Center for Law and Education, CLE
- 4 Disability Rights Education & Defense Fund, DREDF
- 5 National Down Syndrome Congress, NDSC
- 6 National Down Syndrome Society, NDSS
- 7 The Autism Society of America
- 8 Autism National Committee
- 9 International Dyslexia Association
- 10 League of Special Education Voters
- 11 The National Leadership Consortium
- 12 Nonverbal Learning Disorders Association
- 13 Our Children Left Behind.com
- 14 Southern Poverty Law Center School-to-Prison Reform Project
- 15 TASH
- 16 Tourette Syndrome Association, Inc., TSA
- 17 Wrightslaw.com
- 18 Alabama Disabilities Advocacy Program (AL)
- 19 California Association for Parent-Child Advocacy, CAPCA (CA)
- 20 Learning Disabilities Association of California (CA)
- 21 Bay Area Lawyers for Children (CA)
- 22 Burlingame Mother's Group of Kids with Special Needs (CA)
- 23 Community Alliance for Special Education, CASE (CA)
- 24 Families For Early Autism Treatment, FEAT (CA)
- 25 Legal Advocates for Children & Youth (CA)
- 26 Mills Legal Clinic - Youth & Education Law Project Stanford Law School (CA)
- 27 Sacramento Asperger Syndrome Information & Support (CA)
- 28 Solano Families for Effective Autism Treatment, Inc. (CA)
- 29 The K.E.N. Project, parent advocacy organization (CA)
Disability Rights Education and Defense Fund, DREDF (CA, also listed above as national)
- 30 Autism Society of Boulder County (CO)
- 31 African Caribbean American Parents of Children with Disabilities, Inc. (CT)
- 32 Child Law Unit - New Haven Legal Assistance Association, Inc. (CT)
- 33 Connecticut Legal Services, Inc. (CT)
- 34 Learning Disabilities Association of Connecticut (CT)
- 35 S.E.P.T.A. Network (CT)
- 36 Advocates for Justice and Education, Inc. (DC)
- 37 Bread for the City (DC)
- 38 Juvenile and Special Education Law Clinic, Univ. of the District of Columbia - David A. Clarke School of Law (DC)
- 39 The Children's Law Center (DC)
- 40 University Legal Services (DC)
- 41 Autistic Self-Advocacy Network (DC)
- 42 Florida Association of Special Education Attorneys (FL)
- 43 Southern Legal Counsel, Inc. (FL)
- 44 Statewide Advocacy Network on Disabilities, STAND (FL)
- 45 Learning Disabilities Association of Illinois (IL)
- 46 Advocacy Services of the Jewish Federation of Metropolitan Chicago (IL)

In Support of H.R. 4188, the IDEA Fairness Restoration Act

- 47 Chicago Medical Legal Partnership for Children, Health & Disability Advocates (IL)
- 48 Equip for Equality (IL)
- 49 LIFE Center for Independent Living (IL)
- 50 Mothers from Hell 2 (IL)
- 51 Northwestern Illinois Center for Independent Living (IL)
- 52 Self Advocacy Council of Northern Illinois (IL)
- 53 Special Kids, Special Families (IL)
- 54 Will-Grundy Center for Independent Living (IL)
- 55 Voice-Advocacy (IL)
- 56 South Suburban Chicago CHADD (IL)
- 57 Kentucky Protection and Advocacy (KY)
- 58 Disability Law Center (MA)
- 59 Federation for Children with Special Needs (MA)
- 60 Center for Law and Education (MA; also listed above under national)
- 61 Maryland Coalition for Inclusive Education Inc. (MD)
- 62 Maryland Disability Law Center (MD)
- 63 Mid Atlantic Chapter of TASH (MD)
- 64 Anne Arundel County Chapter, Autism Society of America (MD)
- 65 Learning Disabilities Assoc. of Calvert County, Inc. (MD)
- 66 Shared Support Maryland, Inc. (MD)
- 67 Disability Rights Center of Maine (ME)
- 68 Michigan Tourette Syndrome Association (MI)
- 69 Paraquad Independent Living Center (MO)
- 70 ADAPT Montana (MT)
- 71 Montana Advocacy Program (MT)
- 72 Education Law Center of New Jersey (NJ)
- 73 New Jersey Protection & Advocacy, Inc. (NJ)
- 74 New Jersey Special Education Practitioners, NJSEP (NJ)
- 75 The Arc of New Jersey (NJ)
- 76 Apraxia Network of Bergen County (NJ)
- 77 Excellent Education for Everyone (NJ)
- 78 Parent2Parent Group of Jackson New Jersey (NJ)
- 79 Mr. G's Kids, Inc. (NJ)
- 80 Seton Hall Law School Center for Social Justice (NJ)
- 81 Statewide Parent Advocacy Network of New Jersey, SPAN (NJ)
- 82 The Special Education Clinic Rutgers University School of Law (NJ)
- 83 The Center for Learning Differences, Inc. (NY)
- 84 Ohio Legal Rights Service (OH)
- 85 The Ability Center of Greater Toledo (OH)
- 86 Northwest Special Educational Services (OR)
- 87 Disability Rights Network of Pennsylvania (PA)
- 88 Education Law Center of Pennsylvania (PA)
- 89 Jewish Family & Children's Service of Greater Philadelphia (PA)
- 90 Pennsylvania Tourette Syndrome Association (PA)
- 91 The Arc of Pennsylvania (PA)
- 92 The Global and Regional Asperger Syndrome Partnership of Philadelphia (PA)
- 93 Tennessee Disability Coalition on Education (TN)

- 94** Down Syndrome Policy Network of Tennessee (TN)
- 95** Spina Bifida Association of Houston Gulf Coast (TX)
- 96** Advocating 4 Kids Parent Support Group (VA)
- 97** Endependence Center, Inc., Disability Advocacy & Services (VA)
- 98** Autism Society of Northern Virginia (VA)
- 99** Disability Rights Wisconsin (WI)
- 100** Wisconsin Family Assistance Center for Education, Training, and Support, FACETS (WI)
- 101** The Arc of Racine County, Inc. (WI)