



Council of Parent Attorneys and Advocates, Inc.  
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## **Support H.R. 4188: IDEA Fairness Restoration Act**

*Help Parents Afford Expert Witnesses; reimburse prevailing  
parents for expert fees.*

**Contact Congress now and send a copy of  
your letter to COPAA!**

- **House of Representatives email system: <http://www.house.gov/writerep/>**
- **Call 202-224-3121, ask for your Representative's Office and then the Education Aide.**
- **To find your Representative, go to <http://www.house.gov> and put your zip code in the box in the upper left corner**

*"We do not live in an affluent area, rather a more rural, farming, blue-collar area of California. And the likelihood of not obtaining [expert] reimbursement would make a huge difference to single parents, minority parents and parents just barely making ends meet. They would not be able to meet their burden of proof without experts to testify against the alleged expert District professionals."*

*—Northern California Advocate*

## Reinstate Parents' Right To Expert Witness Fees.

*Support H.R. 4188, the IDEA Fairness Restoration Act, and Ask Congress to Override Arlington C.S.D. v. Murphy (2006).*

- ★ Ask Congress to support H.R.4188, the IDEA Fairness Restoration Act, which would enable prevailing parents to recoup their expert witness fees.
- ★ Allowing parents to recoup their expert fees simply restores Congress' original intent. Congress intended for parents to recover their expert witness fees in the Handicapped Children's Protection Act of 1986, as stated in the legislative history. The Conference Report explained that "the term 'attorneys' fees as part of the costs' include[s] reasonable expenses of expert witnesses. . . ."
- ★ When prevailing parents cannot recover expert costs, the playing field is neither level nor fair, and children are denied a free appropriate public education and other fundamental IDEA rights. Parents should recover fees just like plaintiffs in ADA and certain other civil rights cases.
- ★ Hiring qualified medical and technical expert witnesses can cost many thousands of dollars. Few parents can afford this high cost, putting due process out of reach for most parents, who struggle to afford what their children with disabilities need.
- ★ School districts use tax dollars to employ and pay for psychologists and other paid experts at IEP meetings and hearings. Parents have fewer resources and yet must bear a greater financial burden. **Approximately 36% of children with disabilities live in families earning less than \$25,000 a year; over 2/3 earn less than \$50,000 a year.**

*"I was willing to take a case pro bono if the parent could pay expenses. She couldn't afford the expert, and neither could I. We stopped at the resolution session."*

*-Nevada Attorney*

*A Pennsylvania 8th grader with dyslexia and a written expression disorder had struggled intensely with reading and writing all of his life. His single mother sought due process to implement the Independent Educational Evaluation recommendations.*

*She had to borrow \$1,400 to pay the evaluator to testify. She also had to pay for the expert's time during two days of school district cross-examination. Before the Supreme Court's Murphy decision, she was able to recover these fees after prevailing and getting the scientifically-based reading instruction to which her son was entitled. After Murphy, she would not.*

*-Philadelphia Public Interest Lawyer*