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May 2, 2011

**Re: IDEA Fairness Restoration Act, S.613 and H.R. 1208**

Dear Members of Congress,

We, the undersigned 126 organizations, urge Congress to pass the IDEA Fairness Restoration Act, S.613 and H.R. 1208. We hope you will cosponsor the bills. The bill would overturn the Supreme Court decision in *Arlington Central School District v. Murphy* by restoring Congress' original intent in enacting the Handicapped Children's Protection Act of 1986 that parents who prevail in administrative hearings and court actions be allowed to recover expert witness fees as well as attorneys' fees.

Under the IDEA, schools are required to provide a free appropriate public education (FAPE) to children with disabilities. Congress recognized long ago that there will be times when parents and school districts differ as to what constitutes FAPE and that in those situations parents should be allowed to seek a hearing before an impartial administrative hearing officer. In those hearings parents must provide testimony from such expert witnesses as psychologists, doctors, therapists, and educational experts to prove that FAPE was not provided to their children. However, nearly 36% of children with disabilities live in families earning less than \$25,000 a year; over two-thirds in families earn less than \$50,000 a year. For both low and middle income parents, the right to due process is real only if the fees of these experts are shifted when they prevail.

Prevailing plaintiffs in ADA, Title VII, and other civil rights have the statutory right to recover expert witness fees. We ask Congress to provide this same right to parents who prevail in IDEA cases.

This bill would not be burdensome for school districts. Parents proceed to litigation only as a last resort. In 2003, the GAO noted that there were only 5 hearings per 10,000 special education students. Only parents who prevail could recover fees; parents who do not prevail could not.

We ask Congress to pass the IDEA Fairness Restoration Act, S. 613 and H.R. 1208, and restore its original intent. The bill will ensure that parents are not deprived of their right to due process because they cannot afford expert witnesses.

Thank you very much for your support.

**For Further Information:** If you have questions about this letter or we can provide further information about the IDEA Fairness Restoration Act, please contact:

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**List of 126 Signatories**

<b>Organization</b>	<b>City</b>	<b>State</b>
Autism National Committee		USA
Council of Parent Attorneys & Advocates		USA
Lawyers' Committee for Civil Rights Under Law	Washington	USA
CHADD	Landover	USA
Autism Speaks	Washington	USA
Wrightslaw		USA
The Judge David L. Bazelon Center for Mental Health Law	Washington	USA
Prader-Willi Syndrome Association (USA)		USA
Our Children Left Behind		USA
Your Education Advocate, LLC	Glendale	AZ
Disability Rights Education and Defense Fund	Berkeley	USA & CA
The Arc and UCP in California		CA
California Association for Parent-Child Advocacy (CAPCA)		CA
2E (Twice Exceptional) Network LA	Los Angeles	CA
Disability Rights California	Campbell	CA
Educate. Advocate.	Rancho Cucamonga	CA
Faces of Hope Charitable Fund	Ripon	CA
Families for Early Autism Treatment (FEAT)	Sacramento	CA
Gold Standard Advocates, Inc.	Chatsworth	CA
K.E.N. Project & Brandon's Buddies	Calabasas	CA
Neuropsychology Partners, Inc.	Los Angeles	CA
New Vision Children's Services and Autism Center	Southwest Riverside County	CA
Parents Advocating Together	San Diego	CA
Special Education Law Firm	Lakewood	CA
Special Needs Advocates for Understanding	Ripon	CA
Support For Families - The San Francisco Unified School District	San Francisco	CA
Community Advisory Committee for Special Education		
The Jonathan Foundation For Children With Learning Disabilities, Inc.	Granada Hills	CA

The Arc of Colorado		CO
AdvocacyDenver, Inc.	Denver	CO
Center for Special Education Law, Advocacy	Denver	CO
Learning Disabilities Association of Colorado		CO
Parent to Parent of Colorado		CO
The Arc of Arapahoe & Douglas Counties, Colorado	Centennial	CO
African Caribbean American Parents of Children with Disabilities, Inc (AFCAMP)	Hartford	CT
Autism Spectrum Differences Institute of New England, Inc.	Middlefield	CT
Advocates for Justice in Education	Washington	DC
Children's Law Center	Washington	DC
Took Crowell Institute for At-Risk Youth, University of the District of Columbia, David A. Clarke School of Law	Washington	DC
University Legal Services	Washington	DC
Broward Parent_to_ Parents	Broward	FL
Disability Independence Group	MIami	FL
Down Syndrome Association of Miami	Miami	FL
Families Against Restraint and Seclusion (FARS)	Viera	FL
Fun Coast Down Syndrome Association	Bunnell	FL
Independent Voices for Better Education, Inc.,	Hollywood	FL
Legal Aid of Palm Beach County	West Palm Beach	FL
Southern Legal Counsel, Inc.	Gainesville	FL
Masumizu	Marietta	GA
Parent to Parent of Georgia	Atlanta	GA
Autism Bridges Maui	Puunene	HI
LIFE Center for Independent Living	Bloomington	IL
Medical Legal Partnership for Children Health & Disability Advocates	Chicago	IL
Monahan and Cohen	Chicago	IL
Nettle Creek Realty	Morris	IL
Special Kids, Special Families	Buffalo Grove	IL
The Family Defense Center	Chicago	IL
Down Syndrome of Louisville	Louisville	KY
Kentucky Protection & Advocacy		KY
Berkshire County Educational Associates	Pittsfield	MA
Center for Law and Education	Boston	MA
Education Consulting, Advocacy & Legal Services, llc	Saugus	MA
Individual Development to Education, Attitudes and Solutions Corp.	Brockton	MA
Mental Health Legal Advisors Committee	Boston	MA
Special Education Advocates	Wellesley	MA
SPEDWatch, Inc.	Pepperell	MA
ABCs for Life Success, LLC	Silver Spring	MD
Maryland Disability Law Center		MD
Maryland Coalition for Inclusive Education, Inc.	Hanover	MD
Learning Disabilities Association of MD		MD
Maryland Education Advocacy Coalition for Students with Disabilities	Baltimore	MD

The Special Kids Company	Baltimore	MD
Weinfeld Education Group	Silver Spring	MD
Midcoast Advocacy	Brunswick	ME
Education Law Center, PLC of Michigan	Brighton	MI
Michigan Alliance for Special Education	Franklin	MI
Williams Syndrome Association	Troy	MI
SCHOOL LAW CENTER, LLC.	Saint Paul	MN
Down Syndrome Guild of Greater Kansas City	Shawnee Misson	MO
Lee's Summit Autism Support Group	Lees Summit	MO
Mississippi Coalition for Citizens with Disabilities		MS
Nollie Jenkins Family Center, Inc.	Lexington	MS
Parents United Together	Madison	MS
Autism Society of North Carolina		NC
Down Syndrome Association of Charlotte	Charlotte	NC
We Belong, Inc.	Chapel Hjill	NC
Disabilities Rights Center	Concord	NH
The Arc of New Jersey		NJ
Disability Rights New Jersey		NJ
Education Law Center of New Jersey		NJ
Statewide Parent Advocacy Network of NJ		NJ
Asperger Syndrome Education Network	Edison	NJ
Dickman Alliance	Maywood	NJ
Alliance for the Betterment of Citizens with Disabilities	Hamilton	NJ
White Township Special Needs Advisory Group	Belvidere	NJ
New Jersey Special Education Practitioners		NJ
Advocacy for Children with dis-Abilities	Glorieta	NM
Pegasus Legal Services for Children	Albuquerque	NM
Legal Aid Center of Southern Nevada	Las Vegas	NV
ARISE Child and Family Service	Syracuse	NY
Disability Rights Clinic, Syracuse University College of Law	Syracuse	NY
East End Special Education Parents, Inc.	Mattituck	NY
Franklin County Down Syndrome Society	Malone	NY
The Law Office of William J. Porta	Hamilton	NY
Ohio Parent Advocacy & Consulting, LLC	Powell	OH
Education Law Center – PA	Philadelphia	PA
Public Interest Law Center of Philadelphia	Philadelphia	PA
PWSA of PA - Prader-Willi Syndrome Association of Pennsylvania		PA
RIGHT TO EDUCATION Local Task Force	Chester County	PA
Down Syndrome Society of RI, Inc.		RI
ED101, Inc.	West Columbia	SC
T.A.L.K. Services	West Columbia	SC
Disability Coalition on Education of Tenn., DCE		TN
Texas Organization of Parents, Attorneys, and Advocates (TOPAA)		TX
Fathers Joy, Celebrating the Blessing of Children with Special Needs	Sugar Land	TX
Advocating 4 Education	Ashburn	VA
Advocating 4Kids, LLC	Virginia Beach	VA

disAbility Resource Center	Fredericksburg	VA
Endependence Center Inc	Norfolk	VA
Independence Empowerment Center	Manassas	VA
Resources for Independent Living Inc.	Richmond	VA
Arc of Washington State	Olympia	WA
The Advocacy Institute	Marshall	VA
Northwest Autism Center	Spokane	WA
Disability Rights Wisconsin		WI
Wisconsin Board for People with Developmental Disabilities		WI
Wisconsin FACETS	Milwaukee	WI