

TEXT OF IDEA FAIRNESS RESTORATION ACT BILL

[Bipartisan bill introduced March 17, 2011 in Senate by Senator Tom Harkin, Chair, Health, Education, Labor and Pensions Committee, Senator Barbara Mikulski (D-MD), and Senator Bernie Sanders (I-VT); and in House of Representatives by Congressmen Chris Van Hollen and Pete Sessions.]

S.613 and H.R. 1208

A BILL

To amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘IDEA Fairness Restoration Act.’

SEC. 2. INCLUSION OF EXPERT WITNESS FEES AND OTHER EXPENSES AS ATTORNEYS’ FEES.

(a) In General- Section 615(i)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(i)(3)) is amended by adding at the end the following new subparagraph:

‘(H) INCLUSION OF EXPERT WITNESS FEES AND OTHER EXPENSES AS ATTORNEYS’ FEES- For the purposes of this paragraph, the term ‘attorneys’ fees’ shall include the fees of expert witnesses, including the reasonable costs of any test or evaluation necessary for the preparation of the parent or guardian's case in the action or proceeding.’.

(b) Effective Date- The amendment made by subsection (a) shall apply to any action or proceeding brought under section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) that has not been finally adjudicated as of the date of the enactment of this Act.