

IDEA FAIRNESS RESTORATION ACT

Note from COPAA: The IDEA Fairness Restoration Act was introduced by Congressman Van Hollen and Congressman Sessions on November 14, 2007. Although not stated below, it has been referred to the [House Committee on Education and Labor](#). Permission is granted to reprint this webpage provided that credit is given to COPAA.

IDEA FAIRNESS RESTORATION ACT 110TH CONGRESS 1ST SESSION, H.R. 4188

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. VAN HOLLEN (for himself and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on _____

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.
