

111TH CONGRESS
1ST SESSION

H. R. 2740

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

JUNE 4, 2009

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

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IDEA Fairness Res-
5 toration Act”.

1 **SEC. 2. INCLUSION OF EXPERT WITNESS FEES AND OTHER**
2 **EXPENSES AS ATTORNEYS' FEES.**

3 (a) IN GENERAL.—Section 615(i)(3) of the Individ-
4 uals with Disabilities Education Act (20 U.S.C.
5 1415(i)(3)) is amended by adding at the end the following
6 new subparagraph:

7 “(H) INCLUSION OF EXPERT WITNESS
8 FEES AND OTHER EXPENSES AS ATTORNEYS’
9 FEES.—For the purposes of this paragraph, the
10 term ‘attorneys’ fees’ shall include the fees of
11 expert witnesses, including the reasonable costs
12 of any test or evaluation necessary for the prep-
13 aration of the parent or guardian’s case in the
14 action or proceeding.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply to any action or proceeding
17 brought under section 615 of the Individuals with Disabil-
18 ities Education Act (20 U.S.C. 1415) that has not been
19 finally adjudicated as of the date of the enactment of this
20 Act.

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