

112TH CONGRESS
1ST SESSION

S. 613

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 SENATE OF THE UNITED STATES

MARCH 17, 2011

Mr. HARKIN (for himself, Ms. MIKULSKI, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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

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

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