

HANDICAPPED CHILDREN'S PROTECTION ACT OF 1986¹

* * * * *

GAO STUDY OF ATTORNEYS' FEES PROVISION

SEC. 4. (a) The Comptroller General of the United States, through the General Accounting Office, shall conduct a study of the impact of the amendments to the Education of the Handicapped Act² made by section 2 of this Act. Not later than June 30, 1989, the Comptroller General shall submit a report containing the findings of such study to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. The Comptroller General shall conduct a formal briefing for such Committees on the status of the study not later than March 1, 1988. Such report shall include the information described in subsection (b).

(b) The report authorized under subsection (a) shall include the following information:

(1) The number, in the aggregate and by State, of written decisions under sections 615 (b)(2) and (c) transmitted to State advisory panels under section 615(d)(4) for fiscal years 1984 through 1988, the prevailing party in each such decision, and the type of complaint. For fiscal year 1986, the report shall designate which decisions concern complaints filed after the date of the enactment of this Act.

(2) The number, in the aggregate and by State, of civil actions brought under section 615(e)(2), the prevailing party in each action, and the type of complaint for fiscal years 1984 through 1988. For fiscal year 1986 the report shall designate which decisions concern complaints filed after the date of enactment.

(3) Data, for a geographically representative selective sample of States, indicating (A) the specific amount of attorneys' fees, costs, and expenses awarded to the prevailing party, in each action and proceeding under section 615(e)(4)(B) from the date of the enactment of this Act through fiscal year 1988, and the range of such fees, costs, and expenses awarded in the actions and proceedings under such section, categorized by type of complaint and (B) for the same sample as in (A) the number of hours spent by personnel, including attorneys and consultants, involved in the action or proceeding, and expenses incurred by the parents and the State educational agency and local educational agency.

¹Public Law 99-372.

²Section 901 of Public Law 101-476 changed the short title of title VI of Public Law 91-230 from the "Education of the Handicapped Act" to the "Individuals with Disabilities Education Act". Such section further provided that any reference to the former shall be considered to be a reference to the "Individuals with Disabilities Education Act".

(4) Data, for a geographically representative sample of States, on the experience of educational agencies in resolving complaints informally under section 615(b)(2), from the date of the enactment of this Act through fiscal year 1988.

【20 U.S.C. 1415 note】 Enacted Aug. 5, 1986, P.L. 99-372, sec. 4, 100 Stat. 797.

EFFECTIVE DATE

SEC. 5. The amendment made by section 2 shall apply with respect to actions or proceedings brought under section 615(e) of the Education of the Handicapped Act¹ after July 3, 1984, and actions or proceedings brought prior to July 4, 1984, under such section which were pending on July 4, 1984.

¹Section 901 of Public Law 101-476 changed the short title of title VI of Public Law 91-230 from the "Education of the Handicapped Act" to the "Individuals with Disabilities Education Act". Such section further provided that any reference to the former shall be considered to be a reference to the "Individuals with Disabilities Education Act".【20 U.S.C. 1415 note】 Enacted Aug. 5, 1986, P.L. 99-372, sec. 5, 100 Stat. 797-798.