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By Fax to: (202) 225-4382 and (757) 874-7164

The Honorable Jo Ann Davis
1123 Longworth House Office Building
Washington, D.C. 20515-4601

The Honorable Jo Ann Davis
4904-B George Washington Memorial Hwy.
Yorktown, VA 23692

Re: **Please Vote No on H. R 1350!**

Dear Representative Davis:

I reside at 258 Pocahontas Avenue on Stingray Point in Deltaville, Middlesex County, Virginia. I am your constituent.

Please vote NO to H. R. 1350. This bill will damage hundreds of thousands of children with disabilities.

During the 1950's, when I entered public school, teachers told my parents that I was borderline mentally retarded and emotionally disturbed. (I have dyslexia and attention deficit hyperactive disorder.) When I was in high school, teachers told my parents that they needed to lower their expectations for me because I was not "college material." Fortunately, my parents did not accept these negative assessments and did not lower their expectations.

In 1993, I successfully represented Shannon Carter before the U. S. Supreme Court in *Florence County School District IV v. Carter*, 510 U. S. 7, (1993). Justice O'Connor authored the Court's unanimous decision in favor of Shannon. You can read Shannon's story in "How Clip 'N Snip's Owner Changed Special Education" by Brent Staples, *New York Times*, January 5, 2002. (article enclosed)

I also represented Stefan in *Stefan Jaynes v. Newport News Public School* about the failure of Newport News to provide Stefan, a young child with autism, with an appropriate education. You can learn about Stefan's educational needs in "Autism Therapy is Effective, But Rare" by Laurie Tarkan, *New York Times* (article enclosed)

In *Jaynes*, the U. S. District Court awarded the parents \$106,000. as reimbursement for their out-of-pocket costs to educate their son. The U. S. Court of Appeals for the Fourth Circuit upheld this decision. Newport News Public Schools spent over \$225,000.00 in attorney fees to fight this case. In contrast, the parents' attorney fees were less than \$75,000.00.

My wife and I are co-authors of *Wrightslaw: Special Education Law* and *Wrightslaw: From Emotions to Advocacy*, the two best-selling books about special education law and parental rights in the United States. We have the leading special education website at www.wrightslaw.com and publish *The Special Ed Advocate Newsletter* to more than 45,000 subscribers every week.

IEPs can be short with clear measurable, observable goals and objectives.

However, after the decision in *Carter*, school districts around the country purposefully weakened goals and objectives in Individualized Educational Programs (IEPs) so they are meaningless, i.e., “Jo An Davis will improve constituent ratings by 80%.” When IEPs do not include clear, measurable goals and objectives, it is impossible to measure the child’s progress in the special education program. The child’s educational program is not designed to enable the child become an independent, self-sufficient member of society.

When the Individuals with Disabilities Act, originally known as Public Law 94-142, was drafted in 1975, Congress considered requiring **three IEP meetings a year**. During that time, Management by Objectives (MBO) was sweeping the country. The statutory language about IEPs in 20 U. S. C. § 1414(d) follows the MBO model.

The three-year IEP provision in H. R. 1350 is dangerous and will damage hundreds of thousands of vulnerable children.

There is a “window of opportunity” for children to learn basic skills like reading. If Congress passes H. R. 1350 that provides for “optional” three-year IEPs, this window of opportunity will close before parents and educators realize that the child is not learning essential skills and has fallen further behind.

H.R. 1350 also adversely affects the ability of parents to retain counsel to represent their disabled children. The bill authorizes governors to set parents’ attorneys’ fees while school districts continue to have unlimited access to attorneys paid by public funds. Governors can set the fees at \$1 per hour or per case.

Other provisions of H. R. 1350 are offensive to parents of children with disabilities and advocates for these children. If you would like me to brief you on special education issues, I will be happy to do so. I am sending the attachments and copies of our books to your Yorktown office. Our next book, *Wrightslaw: No Child Left Behind*, will be published this summer.

If there are any questions, please advise. Thanks.

Sincerely,

PWDWright
Peter W. D. Wright

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