Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

ARLINGTON CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION *v.* MURPHY ET VIR.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 05–18. Argued April 19, 2006—Decided June 26, 2006

After respondents prevailed in their Individuals with Disabilities Education Act (IDEA) action to require petitioner school board to pay for their son's private school tuition, they sought fees for services rendered by an educational consultant during the proceedings, relying on an IDEA provision that permits a court to "award reasonable attorneys' fees as part of the costs" to prevailing parents, 20 U. S. C. §1415(i)(3)(B). The District Court granted their motion in part. Affirming, the Second Circuit noted that, under *Crawford Fitting Co.* v. *J. T. Gibbons, Inc.,* 482 U. S. 437, and *West Virginia Univ. Hospitals, Inc.* v. *Casey,* 499 U. S. 83, a cost- or fee-shifting provision will not be read to permit recovery of expert fees without explicit statutory authority, but concluded that a congressional Conference Committee Report relating to §1415(i)(3)(B) and a footnote in *Casey* referencing that Report showed that the IDEA authorized such reimbursement.

Held: Section §1415(i)(3)(B) does not authorize prevailing parents to recover expert fees. Pp. 3–12.

(a) The resolution of this question is guided by the fact that Congress enacted the IDEA pursuant to the Spending Clause. While Congress has broad power to set the terms on which it disburses federal money to the States, any conditions it attaches to a State's acceptance of such funds must be set out "unambiguously." *Pennhurst State School and Hospital* v. *Halderman,* 451 U. S. 1, 17. Fund recipients are bound only by those conditions that they accept "voluntarily and knowingly," *ibid.,* and States cannot knowingly accept conditions of which they are "unaware" or which they are "unable to ascertain," *ibid.* Thus, the question here is whether the IDEA furnishes clear notice regarding expert fees. Pp. 3–4.

Syllabus

(b) The Court begins with the IDEA's text, for if its "language is plain," the courts' function "'"is to enforce it according to its terms."'" *Hartford Underwriters Ins. Co.* v. *Union Planters Bank, N. A.,* 530 U. S. 1, 6. While §1415(i)(3)(B) provides for an award of "reasonable attorneys' fees," it does not even hint that acceptance of IDEA funds makes a State responsible for reimbursing prevailing parents for the services of experts. "Costs" is a term of art that does not generally include expert fees. The use of "costs" rather than "expenses" strongly suggests that §1415(i)(3)(B) was not meant to be an open-ended provision making States liable for all expenses. Moreover, §1415(i)(3)(B) says not that a court may award "costs" but that it may award attorney's fees "as part of the costs." This language simply adds reasonable attorney's fees to the list of recoverable costs set out in 28 U. S. C. §1920, the general statute covering taxation of costs, which is strictly limited by §1821. Thus, §1415(i)(3)(B)'s text does not authorize an award of additional expert fees, and it certainly fails to present the clear notice required by the Spending Clause. Other IDEA provisions point strongly in the same direction. Of little significance here is a provision in the Handicapped Children's Protection Act of 1986 requiring the General Accounting Office to collect data on awards to prevailing parties in IDEA cases, but making no mention of consultants or experts or their fees. And the fact that the provision directed the GAO to compile data on the hours spent by consultants in IDEA cases does not mean that Congress intended for States to compensate prevailing parties for fees billed by these consultants. Pp. 4–8.

(c) *Crawford Fitting Co.* and *Casey* strongly reinforce the conclusion that the IDEA does not unambiguously authorize prevailing parents to recover expert fees. *Crawford Fitting Co.*'s reasoning supports the conclusion that the term "costs" in §1415(i)(3)(B), like "costs" in Federal Rule of Civil Procedure 54(d), the provision at issue there, is defined by the categories of expenses enumerated in 28 U. S. C. §1920. This conclusion is buttressed by the principle, recognized in *Crawford Fitting Co.,* that no statute will be construed to authorize taxing witness fees as costs unless the statute "refer[s] explicitly to witness fees." 482 U. S., at 445. The conclusion that the IDEA does not authorize expert fee awards is confirmed even more dramatically by *Casey*, where the Court held that 42 U. S. C. §1988, a fee-shifting provision with wording virtually identical to that of 20 U. S. C. §1415(i)(3)(B), did not empower a district court to award expert fees to a prevailing party. 482 U. S., at 102. The Second Circuit misunderstood the meaning of the *Casey* footnote on which it relied. That footnote did not state that the Conference Committee Report set out the correct interpretation of §1415(i)(3)(B) or provided the clear

Syllabus

notice required under the Spending Clause. Its thrust was simply that "attorneys' fees," standing alone, is generally not understood as encompassing expert fees. Pp. 8–11.

(d) Respondents' additional arguments are unpersuasive. The IDEA's goals of "ensur[ing] that all children with disabilities have available to them a free appropriate public education," §1400(d)(1)(A), and of safeguarding parents' right to challenge adverse school decisions are too general to provide much support for their reading of the IDEA. And the IDEA's legislative history is insufficient help, where everything other than that history overwhelmingly suggests that expert fees may not be recovered. Pp. 11–12.

402 F. 3d 332, reversed and remanded.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, and THOMAS, JJ., joined. GINSBURG, J., filed an opinion concurring in part and concurring in the judgment. SOUTER, J., filed a dissenting opinion. BREYER, J., filed a dissenting opinion, in which STEVENS and SOUTER, JJ., joined.