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December 5, 2003

Ms. Barbara Hayes
21055 Cabbage Pond Road
Lincoln, DE 19960

Dear Ms. Hayes:

Thank you for contacting me to share your concerns regarding non-attorney representation at due process hearings. I am glad you shared your views with me, and I apologize for not getting back to you sooner.

I understand that you met with my staff several months ago and I appreciate your continued contact. I am very sorry to learn of the hardships you and your son, and indeed the entire family, have endured throughout his education.

The House of Representatives passed its IDEA reauthorization bill, H.R. 1350, in May. The bill, authored by Congressman Castle, includes "the right to be represented by counsel and by non-attorney advocates and to be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities."

As you know, the Senate bill does not contain the same language on non-attorney advocates, but those most involved in the drafting of this legislation believe it is likely that the House language will remain in the final bill after a House-Senate conference. The Senate did not act on its version of the bill before finishing legislative business for the year, but I expect a vote on the IDEA bill, S. 1248, early in 2004. Be assured that I will keep your concerns in mind when the issue arises.

Again, thank you for letting me know your views. I hope you will continue to keep in touch on matters of importance to you. Best wishes.

Sincerely,



Joseph R. Biden, Jr.
United States Senator