

being introduced and hopefully we can come up using any number of us that may be there as a vehicle with something to resolve this issue at this time.

SENATOR CLARK: Senator Beutler, did you want to talk on this?

SENATOR BEUTLER: Yes, Mr. Speaker, members of the Legislature, I, too, would like to support Senator Koch's motion. Without even getting to the substance of the issue, how you may feel one way or another on the philosophy of the exemption of the Christian schools, I just want to remind you that 472A is a bad piece of legislation just in a technical sense. It was a quickly, hastily pieced, hastily put together piece of legislation that we suspended the rules to adopt on Final Reading and there are at least fourteen different major technical problems with the bill. And just to give you a sense of some of the types of problems we're dealing with and to give you a sense that they're not small problems but large problems, I wanted to talk just a minute about a couple of them. As you may recall 472A was basically designed to exempt the schools from curriculum and teacher certification requirements and then it tried to put it into place a kind of a quasi testing requirement and it stated that each parent or guardian of a student attending a certain kind of Christian school would file a notarized affidavit saying that their child was in that school and then on later in the bill it says that in asserting inclusion in the exemption, that is when they file this affidavit, the parent or guardian may be required to demonstrate to the State Department of Education certain things, that the child is receiving regular instruction, that the instruction is from a structured curriculum or course of study and that the child is appropriately proficient in basic disciplines of learning. Now the supposed testing requirement in 472A comes from this language but there are a number of problems. First of all, the State Department of Education is not mandated to set up any sort of testing requirement. It says, they may require the parent or guardian to demonstrate these things. Secondly, it actually doesn't say anything about a test. It just says that the parent or guardian has to demonstrate these various items. Now it is presumed that the best way to demonstrate that would be some kind of a test but it is also equally arguable under the language of the statute that some sort of affidavit from some education expert who has seen the child or talked to the child may be an appropriate kind of demonstration. So the bill is not clear as to exactly the type of demonstration that is required. Let's assume for the moment that the demonstration is some sort of a test. The next big