

important thing that is unclear in the bill is what kind of a test and whose test. There is no standard test that is given to all school children in the public schools in the State of Nebraska today. So we would get into many arguments over what kind of test and of course along with what kind of test, what kind of standards or what kind of criteria are going to have to be met by the children in these schools. No wonder the technical flaws of the bill, and this is very technical but very important, has to do with the fact that this whole requirement for testing is applicable at the time that the exemption is claimed. So as I read the bill, technically speaking, that testing requirement can be required just once. There is no requirement that there is any testing on an annual basis and it is very arguable that under the bill no such requirement could be imposed upon those schools for any sort of annual or even biannual review of how the student is doing. The affidavit of exemption that is required to be filed by the parents under the bill is only a one time filing.

SENATOR CLARK: Y have one minute left.

SENATOR BEUTLER: At any point in time after that initial filing there is no requirement that they file again. They don't have to file again after one year or two years or three years and consequently there is nothing in the statute that gives the Department of Education the authority to test two or three or four years down the line. So all I am saying to you is that even the testing requirement in the bill is vague in a half a dozen different ways and that is the most important provision of the bill. So I think it would be a discredit to ourselves to pass a piece of legislation like this which is sure to end up with a number of questions to be litigated. Thank you.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature, I rise in opposition of the proposition to return this bill to the Education Committee for additional hearing. I do know that there are propositions that have been offered before this Legislature that will be heard by the Education Committee but for those of you who were here last year, you will recall the reason that we took the action that we did. That was because there was an immediate and critical problem and to date, ladies and gentlemen, that problem has not been resolved. I need not go through the litany of what brings us to this point in time relative to this particular issue but I would like to say that I think that the Education Committee with the propositions that