

at 90 percent. I feel very strongly that the local districts could be encouraged to be more creative if the percentage of the cost that they bore was perhaps somewhat greater. I don't believe in programs generally where we pay for things and then local districts of any type get reimbursed no matter what they spend or how they spend it or how creatively they look at a particular situation. And I think that this is an area where everybody is going to have to be creative in order to serve those kids that we need to serve at a cost that is possible in this state. Having said that, to me one of the principal things we should do with this piece of legislation is to be sure that everything is on the table and everything is considered and that this Legislature has all the information that it needs in order to make whatever decision it feels compelled to make. In that regard, Senator McKenzie, on page... on the first page of your 1313 amendment it requires, first of all, that all rules and regulations or portions thereof not required either by state law, federal law or federal regulation shall be repealed or modified, so that the rules and regulations of the State Department of Education, I take it, do not require any action by school districts, educational service units or approved cooperatives that is not required by either state law, federal law or federal regulation. And then it goes on to say that there is a report and preliminary recommendations for state laws that should be repealed, modified or retained "to reduce restrictions on school districts, educational service units or approved cooperatives." Now you and I know that the United States Constitution requires services to handicapped kids, educational services and we also know that, at least in certain instances, state law has built upon the constitutional requirement and we require some things in state law that are perhaps not constitutionally required. And certainly repealing those state laws that are not constitutionally required would be, in effect, reducing restrictions on school districts, assuming we were then going into a block grant program. What I want to know is this, as a result of this bill will the Department of Education clearly identify for the Legislature all state laws that in their opinion are not required by federal law, federal regulation or federal case law?

SENATOR MCKENZIE: Senator Beutler, I believe they will and I based that on conversations with Don Anderson, with Special Education Division of the Department of Ed who also believes that we have to get some of those statutes repealed or modified because they...