

monies would be transferred into special education because of the mandates there. So I don't believe they'd ever have less dollars.

SENATOR CHAMBERS: Since the time is up I won't ask Senator McKenzie, but maybe at some point, since your light is on, you and she could engage in a discussion so we'd know how the money would be distributed if that occurred.

SENATOR WESELY: Thank you. Time is up, Senator Chambers. We now turn to Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: And again to carry on that discussion, that's one of the points Senator McKenzie was making earlier, this does not, even with the cap, it causes things to happen but it does not necessarily make the Draconian changes that people think may occur. The fact is that most of these areas are mandated either by the federal or state and those are the ones we're going to be looking at as best we can and Rule 51 for flexibility. If in fact you cap, then what happens, Senator Chambers, is that a school district must pay for those services because those students have civil rights and we have a responsibility to educate those children. So if we do not fund it through the dollars that we have available, they must fund it or face a lawsuit and they will fund it. What they would then have to do is to hit their property taxes harder and ask the people to give more dollars so that they cannot make any other cut systemwide and do the increased dollars that we did not give them that they now have to do or in fact, what probably would take place is what's happening now is school boards are trying not to go and ask for more dollars on the property tax, they would begin reducing other programs on the general ed side, taking those dollars and transferring it to special education. And, Senator McKenzie, if you want to add to that, I'd certainly give you the rest of my time.

SENATOR MCKENZIE: Thank you, Senator Bernard-Stevens. Clearly because we are in a reimbursement system, excess cost reimbursement, if in fact the state had a cap and there are 25 other states who do cap this money by the way, if we had a cap with X number of dollars, remember we're reimbursing for the year which has past. So if we only have \$122 million and we have bills submitted to the state for school spending for excess cost at \$150 million, the amount that each district would receive out of their reimbursement would be prorated, as I