

ways in which parents and parental groups convince school boards to grant expensive special programs, that may or may not be needed, is to threaten lawsuits. And the way the law is now set the local government, the local school board has to bear all of the cost of litigation. But who picks up the cost of special education is the state. In many cases it's not cost-effective for the local boards to bear the cost of that additional litigation. I've worked out an...Senator Pedersen overglorified this by calling it a formula. It's not really a formula, it's just an example, hypothetical case, very hypothetical, but I think it could be typical. Let's assume that a parent goes to a school district and says, I want this \$100,000 special education program for my child. And the local school district says, we don't think so; we think we can provide for your child within the normal classroom and we don't think the circumstances warrant that. And the parent goes to court, the parent sues the local school district. Local school district, in this hypothetical, goes out, they're trying to save \$100,000 in special education cost, they incur \$30,000 of legal fees, all of these things that Senator Pedersen in his cheat sheet, and I have the same cheat sheet here as Senator Pedersen that we're going from, all of those things total \$30,000 in this hypothetical case. And they're successful and they save \$100,000. How is the cost then divided? Well a state doesn't pay anything under current law. Under the Pedersen amendment, the Pedersen-Avery amendment, the state would pay \$15,000, but now they pay nothing. The local government pays \$30,000. Who benefits then from this \$100,000 savings? Well under the current law, and admittedly, 742 will adjust these numbers somewhat but not to a great extent, but under current law \$90,000 is saved by the State of Nebraska. Didn't have to pay anything to do that because it's the burden of the local school district. Ten thousand dollars is saved by the local school district because of our 90-10 reimbursement formula. So the local government incurs \$30,000 worth of court costs in order to save itself \$10,000. What do most local school boards do if they're bright, capable managers? They probably settle out of court, they probably don't go to court, they may go ahead and provide this \$100,000 expense as it is because there is not the incentive for local school districts to save, to challenge these, to litigate these. It's an interesting policy argument. It's one back when I was chairing the Education Committee the bill would come through periodically and I'll have to admit as Chair of the Education Committee at that time it wasn't one that I pushed forward, tried to push forward to the floor, but I