

dealing with special education complaints. Of those there were five which have been decided, all of those were decided in favor of the school district. There were nine which were dismissed or withdrawn and there are ten which are currently pending. What often drives a lawsuit is what's happened in a ruling in another state, but our record, at least for the last three or four years in Nebraska, has been cases taken completely through the process have found in favor of the school district. Now it is a problem that the school district can't claim those court costs when they challenge often what they see as an unreasonable request or something that will be too much money for them to be able to handle, but apparently that has not happened in Nebraska much. And in fact I would say that this is not an unreasonable number of lawsuits to expect because in some cases it's not about funding, it's more about free appropriate education and what parents believe should be the appropriate program for their child with a handicap. But as I said, for your information that's a bit of the history about where we've been in the last few years with litigation. Once more I say that I certainly support the concept behind looking at litigation and court costs. I'm very committed to making sure that we look at that. In fact, that charge has been given to the legislative task force that works on it this summer and would ask not to support this amendment at this time. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Withem.

SPEAKER WITHEM: I'd actually turned my light on prior to this to give the explanation I gave earlier and would probably have remained silent if Senator McK... hadn't given the...it's not necessarily a bad idea but not right now sort of defense to the...or the opposition sort of statement. When better? We have a bill up where we're trying to control special education cost. This measure has been around, the issue has been around for at least five or six years. It's brought to the Education Committee periodically. It may well have predated my chairmanship in that committee. There's really no better time than the present to make this policy choice, the rationale being that we are...and maybe I...I was visiting with a senator here, maybe I didn't make it clear. Where I really see the cost savings in this and it really is kind of a nebulous sort of area, hard to get a fiscal note and I know, you know, the other side will be able to say there have been X number of cases and they cost X number of dollars, it will cost the state Y number of dollars because of that. The real cost savings I think is in