

the situation where Ron and Diane Withem have a child who we think is pretty special and we think the local Papillion-LaVista School district may not be providing the programs for our precious young child and we go to the local school district and say, you're not providing the special needs that my child needs. And the school district looks at Ron and Diane Withem and they said, and these two people are fairly politically savvy, if we don't give them what they want or work with them, whether the kid needs it or not, they're apt to take us to court. And currently they're going to have...the Papillion-LaVista school district is going to have to stand the cost of all of that litigation on its own. They're going to have to provide their own expertise, their own expert witnesses. Keep in mind the other provision of this, I think makes the state a party to the suit so we can get the Don Anderson's of the world and the people over at the Department of Education involved in this defense. So what's the school district likely to do is they're likely to say, hey, it's a \$30,000 program, it's a \$40,000 program, the state picks up 90 percent of it anyway, let's go ahead and offer this program. Maybe the Withem's will leave us alone, maybe we won't have to go to court. And that's what happens over in the real world. Now the other side to this and I think that maybe out of fairness I ought to give the other side because I used to not support this. The other side of it is fear that real recalcitrant school administrators might adopt the position that well heck with it, I can just say no to everybody that comes forward, I'll just say no to everybody and the state will pick up the legal costs so what do I care? That's the legitimate other side of this position I think, but in this era where we're trying to save money in special education I think this is a provision where we can actually do something that you may see a shrinking of that pot out there, because so far we haven't done anything if we pass 742 in its current form to decrease cost to special education. We've just shifted who is going to pay for it. This is an areas where you might see some actual cost decrease.

PRESIDENT ROBAK: Thank you, Senator Withem. Senator Witek.

SENATOR WITEK: Madam Chair, members of the body, I rise in opposition to the Pedersen-Avery amendments and I don't see anything wrong with the defense of saying we're getting a little ahead of ourselves here, because that's exactly what we're doing with this amendment. We're getting way ahead of ourselves here. First of all, by adopting this amendment we're saying that maybe