

April 5, 1982

LB 652

CLERK: Mr. President, the next amendment I have to LB 652 is from Senator Fowler. Senator Fowler's amendment is on page 1314.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, this amendment really is I guess a small one but it tightens up one section of the bill and that is which schools are in and which are out. It kind of deals with a legal fiction, if you will, that is created to deal with religious schools and providing assistance and it is a construction or fiction that is set up in order that aid can go to students in religious schools and not violate those sections of law that the constitutional prohibitions of state support for religion so that we have financial support tax dollars, state, federal and local, going to services that are provided in religious schools and the claim is that the service is provided to the student and not to the school and, therefore, it does not violate the prohibition of state support for religious instruction. Now examples of this would be the school lunch program, access to school buses, special education services provided in the classroom. All of those, the argument is made, are not provided to the school, it is not financial support to the school, it is assistance, educational assistance or support for the student. What my amendment would say is that if the school or the students accept this assistance, for example if you have a federally funded school lunch program in your school, if your students are taking public school bus transportation to get to your school, if special education services are provided in the school for students or any other educational services with tax funds are provided there, if any of that happens, then that facility must meet certification standards. What this is to say is that if the school wishes to reject all federal, state, local funds or all, what the amendment would add, all state financed, federally financed, locally financed services, educational services to the students in that facility, that they would be free to accept a lesser standard for certification. It is to tighten up the bill and to address some of the concerns of people who believe that on the one hand certain religious schools will come and say, we don't want to be certified, and then turn around and say, that our students should have these types of tax supported services and claim that that shouldn't mean that they would have to follow certification. I don't think we should allow those who wish this exemption to have it both ways and also then get tax support for their students. So I would move for adoption of this amendment.

SENATOR CLARK: I've got Senator Stoney, Senator Landis, Senator DeCamp and Senator Koch. Senator Stoney is next. Senator Landis. Senator DeCamp. Senator DeCamp, did you

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