

Court Says S.D. Could Close School For Deaf

PIERRE (AP) — A federal appeals court has ruled that state officials had legal authority to close the South Dakota School for the Deaf campus in Sioux Falls.

The 8th U.S. Circuit Court of Appeals says the South Dakota Constitution and state laws allowed the officials to close the campus in favor of outreach education and contracted services that educate students with hearing impairments in local school districts.

The decision by a three-judge panel of the appeals court upholds a ruling by U.S. District Judge Lawrence Piersol of Sioux Falls.

Piersol said last year that the South Dakota Legislature had given the state Board of Regents the power to run the school in the way it believed would best serve students with hearing impairments.

S.D.: Dry Weather Stresses Crops, Pastures

SIoux FALLS (AP) — A week of warm and dry weather has helped field work in South Dakota, but some areas are beginning to notice signs of stress on crops and pastures from lack of rain.

The Agriculture Department says in its weekly crop and weather report that livestock are holding steady but range and pasture conditions have decreased.

Soil moisture conditions have dropped slightly with topsoil beginning to dry out more than subsoil from warm dry winds and lack of rain in many areas.

Soybeans setting pods are at 33 percent, behind the previous year of 45 percent. Ninety-eight percent of corn is at or beyond the dough stage, with 79 percent in the dent stage.

Cattle and sheep conditions are mostly in the good to excellent range.

Neb. Corn, Soybean Crops Still In Good Shape

LINCOLN, Neb. (AP) — Nebraska's crops are starting to turn their fall colors, and farmers are starting to harvest some crops.

The U.S. Department of Agriculture released its weekly crop conditions report on Monday. It said flooded farmland near rivers in the state has started to emerge as the floodwaters recede.

The USDA says 10 percent of the dry beans and 14 percent of the proso millet have been harvested.

About 76 percent of Nebraska's corn crop is in good or excellent shape. That's behind last year's 83 percent rating at the same time but ahead of the average of 74 percent.

The soybean crop also appears to be in good shape with 82 percent of the crop rating good or excellent. That's better than last year's 80 percent and the 73 percent average.

Heineman Touts Student Health Program

LINCOLN, Neb. (AP) — Nebraska Gov. Dave Heineman is promoting a new program that encourages healthy food choices and physical activity among students.

Heineman pitched the program Monday as important to both school children and Nebraska dairy farmers. The "Fuel Up to Play 60" program seeks to raise awareness of healthy food choices, and encourages physical activity for at least 60 minutes a day.

Participating schools can apply for funding for taste-testing healthy foods to add to lunch menus, and the purchase of physical activity equipment. Nearly 1,000 Nebraska schools have signed up so far, and \$57,700 has been awarded.

Heineman is the nation's first governor to pledge support for the program. He made the announcement alongside Nebraska's chief medical officer, Dr. Joann Schaefer, and other state representatives.

SCHOOL FUNDING LAWSUIT

S.D. Won't Seek Legal-Fee Payment

BY CHET BROKAW
Associated Press

PIERRE — The state will not seek to collect legal fees from parents who filed an unsuccessful lawsuit challenging South Dakota's system for funding school districts, Attorney General Marty Jackley said Monday.

Jackley said the state's decision not to seek the money is partly because, if granted, the legal fees likely would be collected from the parents who had been named as plaintiffs in the case, or from the taxpayers of school districts that supported the lawsuit.

"I think this is a fair resolution for the state and the right thing to do," Jackley said.

The schools had argued that the school funding system did not provide enough money to ensure that students received an adequate education, but the South Dakota Supreme Court earlier this month disagreed and upheld the constitutionality of the state's system for fund-

ing school districts.

The high court said the lawsuit raised serious questions about the funding system, but the justices said the schools did not prove that the funding mechanism or funding level is unconstitutional. The ruling upheld a decision by a circuit judge who found the system is constitutional because it provides students with an adequate education that prepares them for life after high school.

Jackley said state law allows the prevailing party in a lawsuit to recover its costs for attorneys' fees and for gathering evidence. The trial judge had ordered that those who filed the lawsuit pay nearly \$60,000 plus interest to the state, and the state also spent another \$147 on the appeal to the Supreme Court, he said.

But in this case, collecting the legal costs likely would mean that school districts would use tax money to reimburse the state for tax money that it spent defending the lawsuit, Jackley said.

Those who filed the constitutional challenge agreed not to file further lawsuits on school funding. The South Dakota Coalition of Schools, which has backed the lawsuit, also agreed not to file or financially support such a lawsuit in the next 10 years.

The Coalition of Schools, a nonprofit corporation that fights for education funding, was initially a plaintiff in the constitutional challenge, but it withdrew after state officials argued that the coalition could not legally sue the state because it represented school districts.

A handful of parents and students wound up being the suit's official plaintiffs, but about 100 of the state's 161 school districts supported the lawsuit and helped pay legal expenses. In a separate ruling two years ago, the Supreme Court said school districts could pay the legal expenses of the lawsuit, but neither the coalition nor individual schools were official plaintiffs in the case.

Bruning's Vacation Home Spurs Ethics Complaint

LINCOLN, Neb. (AP) — The Nebraska Democratic Party filed an ethics complaint Monday against Republican U.S. Senate candidate Jon Bruning, claiming he failed to disclose his shared ownership of a \$675,000 vacation home.

The complaint to the Nebraska Accountability and Disclosure Commission claims Bruning, the state attorney general, failed to disclose the shared home near Ashland in the 2008, 2009 and 2010 financial interest statements he must file as an office-holder.

Bruning owns the home through a time-share agreement with two executives from the student-loan company Nelnet. The arrangement has drawn fresh criticism as he campaigns for the GOP nomination to challenge Democratic

Sen. Ben Nelson. Bruning attempted to waive a \$1 million settlement with Nelnet in 2007, after the company was accused of improper business practices.

Officials with Bruning's campaign said the home was properly disclosed, both in state campaign and federal tax forms and the complaint was politically motivated. Campaign manager Trent Fellers said Democratic officials are trying to divert attention from Nelson's support of the controversial federal health care reform law.

"This is all a coordinated effort from the Democrats, Ben Nelson, and the Nebraska Democrat party," Fellers said. "They're running \$200,000 worth of ads, 14 months before the pri-

mary. That's how scared they are of Jon Bruning."

Nebraska Democratic Party spokesman Brandon Lorenz said the complaint seeks to address "some serious questions about the attorney general's intentions, and whether he was trying to cover up the purchase of this cabin from the public."

Bruning is considered the frontrunner in the Republican Party's efforts to unseat Nelson. The GOP has been aggressive in targeting the lone Democrat in Nebraska's congressional delegation, but Nelson has so far raised more money than Bruning and the other GOP candidates.

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ATTENTION... Glen Miller Fans

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Wednesday, Sept 14
4pm-6pm

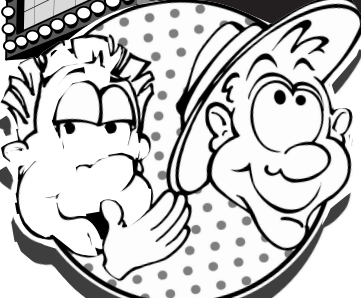
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Wednesday & Sunday
5-7pm — Cooks Choice

Thursday
6-7pm — Domestic Beers \$1.50
5-7pm — Hamburger/Pizza Burger & Fries \$5.00

Friday
Fried Chicken or Menu
Serving 5:30-8:00

Saturday
Lynn Dvorak
Serving from Menu
5:30-8:00

Bingo Wed. at 7:00pm
Sunday at 6:30pm
Happy Hour M-F 4:30-7:30

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Saturday, September 17 - 1-3:00pm

Coffee & Desserts Will Be Served **\$1.00** per person

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3:30-7:00pm

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Adults/Jr. & Sr. High \$8.00 • Grades K-6 \$4.00 • Preschool Free
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Thursday
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Fried Chicken or Menu
Serving 5:30-8:00

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Lynn Dvorak
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Bingo Wed. at 7:00pm
Sunday at 6:30pm
Happy Hour M-F 4:30-7:30

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Nebraska VS Washington
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Wednesday, September 14 **32 Pc. Tool Set Drawing** Every 1/2 Hour 8pm-10pm

Thursday, September 15 **NE Football Drawings** Every 1/2 Hour 8pm-10pm

Friday, September 16 **\$25 Hot Seat Drawings** Every 1/2 Hour 8pm-10pm

Saturday, September 17 **\$1000 In Total Cash Drawings** \$50 Drawn Every 15 Minutes 7:15-Midnight

Sunday, September 18 **NFL Sunday Drawings** Every 1/2 Hour 6pm-8pm

Mgmt. has the right to make changes at any given time.

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Saturday, September 17 1:30pm.....Contest
Saturday, September 17 7:00pm.....Contest
Sunday, September 18 10:00am.....Gospel Sing*
Sunday, September 18 1:30pm.....National Invitational Final
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