

# State To Mull Limits On Restraint, Seclusion In SD Schools

BY JAMES NORD  
Associated Press

PIERRE — A proposal that would allow schools to physically subdue students only in emergency situations would remove South Dakota from the short list of states that lack regulations governing the use of restraint and seclusion.

An advisory group is scheduled Thursday to discuss the draft rules, which would eventually require the approval of the state Board of Education.

The proposed regulations are important to ensure that South Dakota students aren't hurt and that the practices, especially restraint, are only used "in the most dire situations" by those with proper training, said Linda Turner, director of special education programs at the state Department of Education.

"Not in South Dakota, but nationally, there have been issues where students have been physically harmed, or there have even been cases of death due to improper use of restraint, in particular the

method where they're face down on the ground," Turner said. "We want to ensure that something like that doesn't happen in South Dakota."

South Dakota is one of five of states that don't have restraint and seclusion protections for students in place at schools, said Jessica Butler, a national advocate for children with disabilities who tracks restraint and seclusion regulations. She applauded the state for moving forward with the rules.

Restraint includes someone immobilizing a student or using restrictive equipment such as straps or handcuffs. Seclusion refers to confining a student to a room or area without the ability to leave. It's unclear how often both actions are used in state schools, which the proposed rules would require be tracked.

Information released by ProPublica from the U.S. Department of Education's Office of Civil Rights shows that some South Dakota schools reported the use of restraint and seclusion to the federal government during the 2011-2012 school year. The regulations are still under

development, Department of Education spokeswoman Mary Stadick Smith said, and the public will have the opportunity to comment when the Board of Education considers it, which will likely begin next year.

"We do know that people are being trained in the appropriate processes, but this will provide more oversight to the entire system," Turner said.

About two dozen employees among the Mitchell School District's roughly 200 are trained in crisis prevention in the "very unlikely" case it's necessary, superintendent Joseph Graves said. The training includes guidance on when to use the practices and shows specific holds to use that will safely prevent students from harming others, Graves said.

The district until recently had a trainer on staff. Graves said he welcomes state guidelines over restraint and seclusion, which have occurred in the district in recent years.

"It's certainly a rare occurrence, but it does occur," he said.

## SD Man Admits 2 Wives At Once

PIERRE (AP) — A South Dakota man who is married to two women at the same time has been sentenced to a year of probation and ordered to end both marriages.

The *Capital Journal* reports that 35-year-old Brian Wright pleaded guilty in Pierre on Tuesday to a bigamy charge. Authorities say he married a woman in May while still being married to a woman who now lives in Bismarck, North Dakota.

The first wife alerted authorities after seeing pictures posted on Facebook by Wright's second wife.

Wright told Judge John Brown that he didn't properly end his first marriage because his wife had moved away. Brown told him to "get your messy affairs in order" by legally ending both marriages and then remarrying his second wife.

## Men OK After Nebraska Plane Crash

LEXINGTON, Neb. (AP) — Authorities say a small plane has crashed into an alfalfa field about a mile from the Lexington airport.

The plane went down around 10:15 a.m. Wednesday. Two people were aboard the single-engine Piper, the pilot Robert Roberts of Nixa, Missouri, and his brother, Ronny Roberts of Lebanon, Mississippi.

The pilot received a minor injury to his forehead but declined treatment.

The men were flying to Lexington to pick up a hunting dog.

The plane crashed after running low on fuel and then dealing with windy conditions.

The Federal Aviation Administration will investigate the crash.

## 2 Women Indicted For Assaulting Man

PIERRE (AP) — A federal grand jury has indicted two women on charges of assault with intent to commit murder, alleging they attacked a man and tried to set him on fire in Eagle Butte (BYOOT).

The indictment filed Tuesday also charges Lisa Lone Eagle and Kendra Belt with assault with a dangerous weapon and assault resulting in bodily injury related to the Sept. 6 attack of Thomas Bennett on the Cheyenne River Indian Reservation.

Prosecutors say Lone Eagle and Belt assaulted Bennett with kicks and a metal sledgehammer head and choked him before covering him with a blanket, pouring fuel on it and attempting to light it on fire.

Court records did not list attorneys for Lone Eagle or Belt.

## Tribe Gets \$450K Violence Grant

LINCOLN, Neb. (AP) — The Santee Sioux Tribe of Nebraska has received nearly \$450,000 in federal grant funding to address domestic violence against Native American women.

The Department of Justice announced the award Wednesday while unveiling more than \$97 million in grant funding for American Indian tribes and Alaska Native villages.

The Justice Department says American Indians and Alaska Natives experience disproportionate rates of violence and often struggle to access services.

Deborah Gilg, the U.S. attorney for Nebraska, says the grant will help the Santee Sioux continue their commitment to alleviating the high rates of domestic violence.

## Suspect In Stabbing Wins Pretrial

RAPID CITY (AP) — A judge will allow testimony about an alleged outburst by the victim of a fatal Rapid City stabbing during the trial of the suspect.

Twenty-one-year-old Samuel Tyburec is accused of killing roommate Matthew Wassenaar in May by stabbing him in the back five times. He's scheduled for trial in late October on alternate counts of second-degree murder and first-degree manslaughter.

Tyburec says he feared Wassenaar and acted in self-defense. His attorney asked Judge Heidi Linngren to allow testimony about an alleged outburst Wassenaar directed toward an instructor at Lake Area Technical Institute. Prosecutors objected to the request, calling the testimony hearsay.

Linngren on Tuesday said she'll allow the testimony but that it will be subject to objection during the trial.

## Teen Accused Of Driving Over Woman

NEBRASKA CITY, Neb. (AP) — A 17-year-old girl is accused of running her pickup over a woman in the Nebraska City library parking lot.

On Tuesday Otoe County Attorney David Partsch charged the girl with assault, use of a weapon and leaving the scene of an injury accident. The Associated Press generally doesn't name juveniles accused of crimes.

Partsch says the girl and 22-year-old Amber Shipley got into an altercation outside the Morton-James Public Library about 5:30 p.m. Monday. The girl left to take a friend to work and then returned a parking lot adjacent to the library.

Partsch says the girl drove toward Shipley and ran her over. Shipley is being treated at a Lincoln hospital.

The girl's father took her to the police station Monday night to surrender.

## High School Students Play Taps At Military Funerals

KEARNEY, Neb. (AP) — A band instructor at Kearney High School is recruiting students to help fill the need for buglers at military funerals.

Rick Mitchell discovered the shortage after performing at military funerals for several years. Often times a recorded version of taps is played at a funeral, but he believes veterans deserve better.

"There's no reason why any veteran who has sacrificed for our country should

have to have a recording played at their funeral," Mitchell said.

When Mitchell is unable to attend military funerals and play taps, he asks two of his students, Caleb Hardy and Bailey Premer, to step up to the task, *The Kearney Hub* reported.

"The fact that we were chosen to be a part of that is really an honor," said Hardy, who's a senior at the high school.

Premer, a junior, said fam-

ily members at the funerals often express their gratitude. Veterans who attend military funerals "really liked the fact that young people were doing it," Mitchell said.

Mitchell said he's impressed with the students because they play well under pressure and handle the duty with professionalism.

"They realize they have a job to do, and they don't let their nerves get in the way," he said.

Both students said play-

ing taps isn't technically difficult, but sometimes it's hard to manage the emotions that come with performing at the funerals.

"The live instruments bring more emotion out," said Premer, who admits playing taps at military funerals regularly brings him to tears. "To convey that emotion and feeling into it, it's a very hard piece."

## Owner Says Power Cord Caused Full Throttle Saloon Fire

STURGIS (AP) — The fire that destroyed the Full Throttle Saloon in Sturgis was caused by a malfunctioning electrical cord, according to the owner of the popular biker bar.

"We had a keg cooler behind the main bar, and (workers) had pulled it out multiple times whether for cleaning or switching kegs out," Michael Ballard said. "When they pushed it back, it crinked the power cord and it didn't break the power cord open so that it would arc and throw a breaker. It heated the cord up and beside the cooler was a cardboard box. The cord

caught the box on fire, and that's what ignited this fire."

Federal, state and local officials investigated the Sept. 8 fire. Officials earlier this week ruled the blaze accidental but didn't give an exact cause.

The business was billed as "The World's Largest Biker Bar" and had been the subject of the truTV series "Full Throttle Saloon," which aired for several seasons starting in 2009. It was a hotspot during the annual Sturgis Motorcycle Rally, which draws hundreds of thousands of bikers to the Sturgis area each summer.

The loss is estimated at \$10 million. Ballard said insur-

ance won't cover the entire cost, and he isn't sure yet if he'll rebuild the bar whose amenities included zip lines, musical stages and rental cabins.

"I know in my heart I cannot re-create this place," he said. "It's impossible to re-create what was here. This place grew organically over 17 years, and every year me putting back into it, and building another building or building another bar area, or buying atmosphere, and bringing in stuff from all four corners of the United States."

Some of the items destroyed in the fire were

sentimental. They included motorcycle helmets placed on the walls in memory of people who had died, and military medals and patches hung by veterans, Ballard said. Hundreds of people also have been married on the property.

"I'm still digesting everything about rebuilding or what we're going to do or how we're going to move forward," Ballard said. "You know, this is just like losing a family member and trying to replace that family member a week from now. You can't even comprehend having to go down that road."

## Man Given Life For Murder Gets Chance At Freedom

OMAHA, Neb. (AP) — An Omaha man who participated in a fatal robbery and was sent to prison when he was 17 has been given a new sentence and a chance at freedom, thanks to a new law prohibiting mandatory life sentences for crimes committed by juveniles.

Dwayne Tucker, 51, was resentenced on Tuesday to 50 to 70 years in prison, with credit for nearly 33 years and eight months, by Douglas County District Judge James Gleason. Under the state's "good time" law, he could be released in about 15 months.

Tucker and his half-broth-

er, Willie Tucker, robbed a restaurant in December 1981, according to authorities. Willie Tucker, who was 21 at the time, fatally shot the cashier, Lisa Lisko, 18.

Both men were convicted of first-degree murder and sentenced to life in prison without the possibility of parole. Although Dwayne Tucker didn't shoot Lisko, he was given the life sentence because he participated in the deadly robbery.

The U.S. Supreme Court ruled in 2012 that people convicted as juveniles cannot be locked up for life without the chance of parole.

Dwayne Tucker's attorney, Tom Riley, asked Gleason on Tuesday to sentence him to time already served, arguing that Tucker had already spent enough time in prison for the crime.

"The amount of time he's served satisfies the punishment aspect," Riley said, "especially when the person that goes into prison is a 17-year-old and the person sitting next to me is a 51-year-old."

Psychologist Kirk Newring, who evaluated Tucker, called him "low risk of future violence to himself or others" and said he has been well behaved in prison. Newring also noted

that Tucker was heavily influenced by his older brother at the time of the crime.

"He was young. He was impulsive," Newring testified. "He was, in a sense, along for the ride with a more sophisticated, more mature, more culpable party."

"Mr. Tucker as a 17-year-old is not the same man sitting before me today."

Although the new sentence makes it possible for Tucker to be paroled, it's not guaranteed. He's expected to go before the parole board for a hearing in the coming months.

Tucker declined to comment after the re-sentencing.

## Lead Cuts In Half Amount Of Water Lost From System

LEAD (AP) — The city of Lead has over the past year cut in half the amount of water being lost from the municipal water system each month, but the mystery of the leaks isn't yet solved.

A year ago, as much as 10 million gallons of water was being lost each month due to leaks in the century-old water system. City officials went so far as to use acoustic equipment to detect leaks through sound.

After 12 months, 25 leak repairs and seven fire hydrant replacements, the loss is down to about 4 million gallons monthly, the *Black Hills Pioneer* reported.

"When you've got an antique water system you've got to expect holes," Lead Utilities Supervisor Roger Thomas said. "Most of our lines in Lead were put in in the late 1890s to the early 1900s."

Finding all of the leaks has

been the problem. Some are too small to be detectable. Repairing leaking fire hydrants also created more pressure in lines that led to new leaks. Thomas said there is no way to know how many households in town are plagued with leaking faucets and running toilets.

The battle is not over. Thomas said his crews fixed nine leaks in the system last week, and that some of the remaining lost water might not be lost at all, but attributable to inaccurate water meters. Officials hope to eventually replace meters across the city.

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**Fall Hobby Welding:** Learn the basics of different types of welding so you can create unique welded projects. Make something for your yard or household or fashion a keepsake for a loved one in honor of a special occasion or milestone. Class will be held from 7:30 - 11:30 a.m. on three Saturdays - Sept. 26, Oct. 3 & Oct. 10, 2015. Perfect class for amateurs, artists and hobbyists! Cost is \$137.80 (including tax).

**Fall into Burlap:** If you would like to add a little bit of rustic charm to your home this fall, you'll want to sign up for RTEC's Fall into Burlap class being offered from 5:30 - 8:30 p.m. on Monday, Sept. 28, 2015. Instructor MaryBeth Herboldt will show you tips for working with burlap as you craft a fall pumpkin or leaf doorhanger. Participants should bring a scissors, hot glue gun, a hair dryer and 10-12 plastic grocery sacks. Other materials will be provided. Cost is \$26.50 (including tax).

**Dance With Me:** You'll learn to do the waltz, two step, jitterbug and the swing from Judi O'Connell, one of Yankton's legendary dancing instructors who shared her love of dancing with students at her downtown studio for decades. Class will meet in the upper level of Czecker's Sports Bar & Grill at 407 Walnut from 7 - 8 p.m. on three Tuesdays - Oct. 13, 20 & 27, 2015. Cost per couple is \$106 (including tax).

Please contact RTEC for more information and to sign up!

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