

SOUTH DAKOTA RESOLVES BUSING DISPUTE

With short notice, parents of Catholic school students in South Dakota were told the state would no longer provide busing for their children. But the controversy came to a quick end when lawmakers found a compromise measure.

It all began when public schools that provide busing to parochial school students were told they can no longer do so and still be covered by insurance. Citing a South Dakota law and an attorney general's opinion from 1992, school authorities said they had no choice but to curtail service to Catholic students.

In 1992, then-Attorney General Mark Barnett said that the South Dakota constitution does not permit funds for any sectarian or religious institution. And the reason it doesn't is due to the bigoted Blaine Amendment provisions that are built into the state's constitution; these amendments, all aimed at prohibiting any funding for Catholic institutions, are based on 19th century anti-Catholic legislation. The state recently moved to enforce this provision, and the sitting Attorney General, Larry Long, backed the decision.

But it appears that there was more at stake than the bigoted Blaine Amendment clause in the South Dakota constitution. They instituted a new formula for public school funding: instead of providing money based on how many public school children lived in the school district, the new formula followed a strict head count of children in the public schools. Because public school enrollment in the rural areas of the state has been declining, the new formula was designed to pressure private school students into their schools.

Lawmakers, however, quickly came up with a compromise. Busing

for parochial school students could be continued as long as the school districts do not spend any extra money as a result. So far, so good, as Catholic school students are being bused to school again.

The Catholic League pledged to join the fight but did not have to do so given the compromise measure. But it just goes to show that until the Blaine Amendments in the states are jettisoned, the residue of anti-Catholic legislation will continue to be a problem.