

THE SCOTLAND SCHOOL FOR VETERANS' CHILDREN
Overview of Legislative Actions
1893 to Present

Prepared February 19, 2009¹

Background

In 1866, Governor Andrew Curtin established a network of homes to educate and nurture children of Commonwealth veterans. As a result of the Civil War, the Commonwealth had nearly 100,000 children to care for, many of whom were served in this network of homes. In 1895, the State Legislature consolidated these homes on the grounds now known as Scotland School for Veterans' Children (SSVC). The 183 acre campus is located in Scotland in Franklin County.

The school was established by and operated pursuant to Act 118 of 1893 and its amendments. To be considered for enrollment:

- A prospective student must be the natural or adopted child, grandchild, niece, nephew, or sibling of an eligible veteran;
- The student's custodial parent or legal guardian must have maintained Pennsylvania residency for a minimum of three years prior to admission; and,
- The child must be at least six years of age before entering the third grade and must not have reached his or her sixteenth birthday as of August 1 in the school year of admittance.

Enrollment preference is given first to the children of combat veterans, then to orphans (currently there are no orphaned students), third to children having only one parent, and finally to the destitute who do not fall into any of the aforementioned categories. Approximately 70 percent of the current student population is from Philadelphia and ten percent from the Philadelphia area. As of February 1, 2009, Scotland School has 288 students and about 2/3 of the students are veterans' children; thirty-five of the students have relatives on active duty and about half a dozen have parents who are currently deployed, according to the Pennsylvania Department of Military and Veterans Affairs.

Threatened Closure in 1991

Governor Bob Casey's 1991-92 budget proposal included the recommendation that the Scotland School for Veterans' Children, under the jurisdiction of the Department of Education,

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be closed. The school, faculty, students and alumni were outraged and mounted a campaign to convince the legislature that this was not a good idea. Funding was restored when the budget for FY 1991-92 was passed.

House Resolution 46

House Resolution 46 was adopted (March 13, 1991) and urged Governor Casey not to close the Scotland School and directed the House Education Committee to hold hearings and make recommendations regarding the proposed closing of the school. The Archives office for the House of Representatives, the House Education Committee, the House Military and Veterans Affairs Committee, and LORL were all contacted regarding the hearings mandated by House Resolution 46, but no written record was found. At the time, Representative Coy, prime sponsor of the resolution, commented on the House floor that data regarding students not meeting admission requirements was incorrect. (See page 322 in the House Journal, March 13, 1991.)

Senate Resolution 35

Senate Resolution 35 (Bell) was adopted (March 19, 1991) and opposed the closing of the Scotland School for Veterans' Children. During the Senate debate on the resolution, Senator Punt alleged that the Department of Education had released inaccurate data regarding the school (including admission criteria violations) and that the administration wanted to close Scotland School solely to help balance its budget deficit. Senator Punt indicated that the Department of Education had failed to recognize enrollment criteria adopted legislatively in Act 56 of 1980 (See Attachment E) which provided for the admission of children of veterans who did not serve during a time of war or armed conflict. When several senators noted that it was very expensive to operate the school (\$27,000 per student), Senator Punt countered that it was more expensive to house a juvenile defendant (\$30,000 to \$35,000) or a prisoner (\$43,000). The argument was also raised that it would be cheaper to send the students to Valley Forge Military Academy which would cost \$17,000 per year. (See pages 264-269 in the Senate Journal, March 19, 1991.)

Pennsylvania Department of Education

During the Appropriations Committee hearings on the 1991-92 FY budget, the Pennsylvania Department of Education presented arguments for the closure of the Scotland School as follows (with updated information in parentheses):

- There were only three other states supporting residential schools for veterans' children; (*Pennsylvania is now the only state with this type of school.*)
- The cost for educating a child was very expensive, approximately \$27,000 per year; (*Current cost to educate is approximately \$45,000.*)
- 287 of the 354 students did not meet legislated admission criteria; (*This was disputed by Senator Punt and Representative Coy and current data shows that students attending are in compliance.*)
- More students leave Scotland School than stay to graduate; (*9th grade enrollment for 2003-04 was 51 and 42 graduated in 2006-07, with 41 of them planning to further their education, see Attachment H.*)

- Small enrollments in primary grades and high faculty-to-student and equipment -to-student costs in vocational curricula prohibited cost efficiency; (*See Attachment I for student enrollment data.*) and
- High cost for infrastructure repair costs. (*A major infrastructure improvement effort involving about \$20 million in construction projects has been underway at SSVV over the last five years, according to the PA Department of Military and Veterans Affairs.*)

House Bill 244 of 1991

House Bill 244 of 1991 would have required notice and public hearings prior to the closure, sale, lease or transfer of any State-owned institution including the Scotland School for Veterans' Children. The Conference Committee report was adopted in the Senate (30-17) and adopted in the House (189-11) but the Governor vetoed the legislation. A motion to override the Governor's veto passed in the House but was defeated in the Senate. Governor Casey believed this legislation was unconstitutional because it violated the principle of separation of powers by providing for a legislative veto of administrative actions authorized by existing law. While discussing the motion to override the veto, Senator Loeper made the following comments on the Senate floor:

“The purpose of House Bill 244 is not to absolutely block changes in state holdings. House Bill 244 will provide protection against abrupt terminations that ignore community considerations, and, obviously, decisions that are made in desperation of a fiscal freefall do not well reflect the long-term interest of those communities that are affected. Policy shifts will render facilities obsolete, but the changes will come without the disruption that follows when the only goal is to close a facility quickly in order to balance the state budget and save some money. Finally, it is important to note that the Governor's ability to balance a budget does not rise or fall with the fate of this legislation.”

Act 88 of 1994

After the threatened closure in 1991, Act 88 of 1994 was enacted. This measure:

- Expanded admission requirements to allow the grandchildren, brothers, sisters, nieces and nephews of veterans to attend;
- Expanded the age range to include students under the age of sixteen; it had previously been under the age of fourteen; and
- Required the parent or custodial guardian of the applicant to have resided in the Commonwealth for a continuous period of not less than three years; it had previously been five years.

Act 105 of 1996

In July of 1996, the oversight of the school was transferred from the Pennsylvania Department of Education to the Bureau of Veterans Affairs within the Pennsylvania Department of Military and Veterans Affairs via Act 105 of 1996.

Proposed Closure in 2009

On February 4, 2009, Governor Rendell delivered his budget message and announced the following:

“Other cuts will be permanent, such as those involving programs whose goals may be laudable, but which fall outside the core functions of state government. One such example is the Scotland School. It is operated by the Department of Military and Veterans Affairs at a cost to taxpayers of \$45,000 per student. The Scotland School was founded so that the orphans of the Civil War could receive a free public education. Many states did the same, but those schools are long since closed. The fact is, none of the students in the school are orphans of veterans, and only seven have parents who are currently deployed. There is no question that other viable options exist for the Scotland School students. And by closing this school we free up \$1.4 million in state funds to expand services to veterans across the Commonwealth. Consequently, I am proposing that we eliminate funding for the continued state operation of this institution.”

Evacuation Center

Emergency evacuation routes identified by Exelon Nuclear for people living within ten miles of the Three Mile Island nuclear plant have designated the Scotland School as a reception center for evacuees from Steelton Borough, Steelton-Highspire School District, Highspire Borough and the city of Harrisburg.

Performance Audit for Scotland School for Veterans’ Children (July 2003 - March 2007)

A performance audit conducted by Auditor General Wagner had three specific objectives:

- To determine if Scotland School officials addressed incidents of misconduct in accordance with the code of conduct.
- To ensure that Scotland School officials complied with student admissions criteria set forth in the school’s policy and that sufficient, current, and accurate documentation of compliance with the school’s policy was maintained in each student file; and
- To determine the status of management’s corrective actions in the areas of fire safety, compliance with the criminal history and child abuse background checks, fixed asset inventory control, and compliance with the Health Insurance Portability and Accountability Act.

A review found that Scotland School officials were addressing, resolving and recording disciplinary actions that were consistent with policy requirements; and that Scotland had complied with admission policies and procedures. In addition, Scotland School performed all repairs, renovations, and replacements to provide adequate fire protection in school buildings, the health clinic, and student cottages. It was also determined that the files of Scotland employees, including housekeeping, food service, and independent contractors, contained the

required criminal background check and the required child abuse check, all of which were conducted in accordance with applicable law. Finally, it was found that Scotland School should comply with HIPAA regulations and implement policies and procedures to ensure compliance.

Senator Mellow's Proposal

Senator Mellow has announced that he will seek to amend Senate Bill 57, an Administrative Code bill, with a proposal prohibiting the Scranton State School for the Deaf and the Scotland School for Veterans' Children from being closed until local hearings are held, a Legislative Budget and Finance Committee study is conducted and the legislature has an opportunity to thoroughly review the full range of issues and deliberate the rationale associated with closing the schools.

Other States

Indiana is the only state besides Pennsylvania that operates a similar school. The Soldiers' and Sailors' Children's Home in Knightstown was originally founded to provide care and education for veterans children. In recent years, the admissions focus has been on at-risk children, and although a preference is given to veterans' children, there is no requirement that students have any relationship to a veteran. In January of 2009, the Indiana State Department of Health announced plans to close the school after the conclusion of the spring semester in May. This decision was made after a comprehensive, three-year evaluation and assessment which found the Home:

- Lacks a clear mission and clear admission policies;
- Fails to follow the preferred model and trend of supplying education and support to students in local communities, with the help of families, non-profit organizations, and local resources;
- Is inefficient in both its teacher to student ratio (1:5) and in the cost of educating students (\$91,205 per student, per year); and
- Has many physical facilities that are outdated and would cost between \$65 million to \$200 million to modernize.

Costs for Juvenile Offenders

FY 2009-10 interim per diem rates for Youth Development Centers and Youth Forestry Camps (YDCs/YFCs) were issued in May of 2008 and became effective July 1, 2008. (See Attachment O) The per diem rates range from \$266 (\$97,090 yearly) to \$472 (\$172,280 yearly). Those opposing the closure of Scotland School have argued that the school saved many of the inner city youth attending the School from becoming juvenile offenders which cost the state much more.