

By: Merritt

H.R. No. 746

R E S O L U T I O N

1 WHEREAS, The West Texas State School is a facility under the
2 jurisdiction and direction of the Texas Youth Commission; and

3 WHEREAS, Recent investigations of the West Texas State School
4 by the Texas Rangers have reported that school personnel have
5 engaged in sexual conduct with students at the school; and

6 WHEREAS, The reported sexual conduct with students went
7 undiscovered for a substantial period of time, especially
8 considering the duration of the incidents and the number of youths
9 involved; and

10 WHEREAS, The Summary Report for Administrative Review
11 prepared by an investigator for the Texas Youth Commission makes
12 the following findings:

13 -- Information regarding use of pornography on the job, a
14 recognized risk indicator of sexual misconduct, was not considered
15 in the selection of certain supervisory staff members.

16 -- Repeated reports of school staff being alone with
17 students after hours were not properly reported and not addressed
18 with documented supervisory intervention.

19 -- Youth and employee grievance programs at the facility
20 were ineffective and sabotaged, and complaints that were made off
21 campus were explained away by school staff when investigated or the
22 evidence of misconduct was covered up.

23 -- Complaints regarding the conduct of school staff that
24 were reported to program administrators and above at the facility

1 were not properly registered to a complaint system or investigated.

2 -- Certain complaints made about the unsupervised presence
3 of youths in the administration building after hours were not
4 properly registered or assigned for resolution.

5 -- School supervisory staff failed to report the suspicions
6 of abuse regarding other staff members, screening the reports by
7 personally interviewing youths.

8 -- The standard for reporting suspected abuse, neglect, and
9 exploitation at West Texas State School was kept artificially high
10 by the screening of reports at the local level for evidence of
11 validity before reporting, and staff members who reported their
12 concerns without evidence were discouraged from reporting; and

13 WHEREAS, The conduct described above was carried out by state
14 employees during official working hours in state facilities,
15 involved the use of state resources, and reportedly victimized
16 youths under the direct supervision of the Texas Youth Commission;
17 and

18 WHEREAS, The Texas Senate and the Legislative Audit Committee
19 have found that the conduct described above involves the diversion
20 of state funds from their intended and lawful purposes and a use of
21 those funds for unauthorized or unlawful purposes and thus
22 constitutes gross fiscal mismanagement by the Texas Youth
23 Commission; and

24 WHEREAS, The senate further found that the condition of gross
25 fiscal mismanagement existing in the Texas Youth Commission is
26 sufficient cause for the appointment of a conservator for the
27 agency to assume all of the powers and duties of the governing body

1 of the agency and to carry out the other powers and duties of a
2 conservator pursuant to Chapter 2104, Government Code; and

3 WHEREAS, The Legislative Audit Committee also recommended
4 that the governor appoint a conservator to oversee the Texas Youth
5 Commission or have the commission enter into a rehabilitation plan;
6 the governor chose the committee's second recommendation and put
7 the commission under the direction of a "special master"; now,
8 therefore, be it

9 RESOLVED, That the House of Representatives of the 80th Texas
10 Legislature hereby request that the Legislative Audit Committee
11 reexamine the conduct described above and rescind the option for
12 the governor to direct the Texas Youth Commission to enter into a
13 rehabilitation plan, and that the committee resubmit the single
14 recommendation that the governor appoint a conservator for the
15 agency to assume all of the powers and duties of the governing body
16 of the agency and to carry out the other powers and duties of a
17 conservator pursuant to Chapter 2104, Government Code.