

1-1 By: Ellis S.C.R. No. 49  
1-2 (In the Senate - Filed March 26, 2007; April 3, 2007, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 19, 2007, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 19, 2007, sent to printer.)

1-6 SENATE CONCURRENT RESOLUTION

1-7 WHEREAS, Certain persons committed or formerly committed to  
1-8 facilities operated by the Texas Youth Commission allege that:

1-9 (1) the West Texas State School is a facility under the  
1-10 jurisdiction and direction of the Texas Youth Commission;

1-11 (2) recent investigations of the West Texas State  
1-12 School by the Texas Rangers have reported that school personnel  
1-13 have engaged in inappropriate and illegal sexual conduct with  
1-14 persons committed to the facility;

1-15 (3) the reported sexual conduct went undiscovered for  
1-16 a substantial period of time, especially considering the duration  
1-17 of the incidents and the number of persons involved;

1-18 (4) the "Summary Report for Administrative Review"  
1-19 prepared by an investigator for the Texas Youth Commission makes  
1-20 the following findings:

1-21 (A) information regarding use of pornography on  
1-22 the job, a recognized risk indicator of sexual misconduct, was not  
1-23 considered in the selection of certain supervisory staff members;

1-24 (B) repeated reports of school staff being alone  
1-25 with persons committed to the facility after hours were not  
1-26 properly reported and not addressed with documented supervisory  
1-27 intervention;

1-28 (C) youth and employee grievance programs at the  
1-29 facility were ineffective and sabotaged, and complaints that were  
1-30 made off campus were explained away by facility staff when  
1-31 investigated or the evidence of misconduct was covered up;

1-32 (D) complaints regarding the conduct of facility  
1-33 staff that were reported to program administrators and persons with  
1-34 authority over the administrators at the facility were not properly  
1-35 registered to a complaint system or investigated;

1-36 (E) certain complaints made about the  
1-37 unsupervised presence of persons committed to the facility in the  
1-38 administration building after hours were not properly registered to  
1-39 a complaint system or assigned for resolution;

1-40 (F) supervisory staff of the facility failed to  
1-41 report the suspicions of abuse regarding other staff members,  
1-42 screening the reports by conducting personal interviews; and

1-43 (G) the standard for reporting suspected abuse,  
1-44 neglect, and exploitation at West Texas State School was kept  
1-45 artificially high by the screening of reports at the local level for  
1-46 evidence of validity before reporting, and staff members who  
1-47 reported their concerns without evidence were discouraged from  
1-48 reporting;

1-49 (5) similar allegations of physical and sexual abuse  
1-50 have been made by persons committed to many of the other Texas Youth  
1-51 Commission facilities in this state; and

1-52 (6) the conduct described above was carried out by  
1-53 state employees during official working hours in state facilities,  
1-54 involved the use of state resources, and reportedly victimized  
1-55 youths under the direct supervision of the Texas Youth Commission;  
1-56 now, therefore, be it

1-57 RESOLVED by the Legislature of the State of Texas, That a  
1-58 person committed or formerly committed to any facility operated by  
1-59 the Texas Youth Commission, or a parent or guardian of such a  
1-60 person, with a claim based on the conduct of a state employee in a  
1-61 facility under the jurisdiction of the Texas Youth Commission is  
1-62 granted permission to sue the State of Texas and the Texas Youth  
1-63 Commission, subject to Chapter 107, Civil Practice and Remedies  
1-64 Code, for damages authorized by law; and, be it further

2-1           RESOLVED, That the executive director of the Texas Youth  
2-2 Commission and the attorney general be served process as provided  
2-3 by Subdivision (3), Subsection (a), Section 107.002, Civil Practice  
2-4 and Remedies Code.

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