

By: Whitmire, et al.

S.R. No. 384

#### SENATE RESOLUTION

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

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

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

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

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

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

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

S.R. No. 384

-- Complaints regarding the conduct of school staff that were reported to program administrators and above at the facility were not properly registered to a complaint system or investigated.

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

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

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

WHEREAS, The conduct described above was carried out by state employees during official working hours in state facilities, involved the use of state resources, and reportedly victimized youths under the direct supervision of the Texas Youth Commission; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby find that the conduct described above involves the diversion of state funds from their intended and lawful purposes and a use of those funds for unauthorized or unlawful purposes and thus constitutes gross fiscal mismanagement by the Texas Youth Commission; and, be it further

S.R. No. 384

RESOLVED, That the Senate hereby find that the condition of gross fiscal mismanagement existing in the Texas Youth Commission is sufficient cause for the appointment of a conservator for the agency to assume all of the powers and duties of the governing body of the agency and to carry out the other powers and duties of a conservator pursuant to Chapter 2104, Government Code; and, be it further

RESOLVED, That the Senate hereby request that the Legislative Audit Committee examine the conduct described above and determine whether a condition of gross fiscal mismanagement exists in the Texas Youth Commission, and on making such a finding notify the governor and recommend that the governor appoint a conservator for the agency to assume all of the powers and duties of the governing body of the agency and to carry out the other powers and duties of a conservator pursuant to Chapter 2104, Government Code.

---

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on February 28, 2007, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate