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## Lawmaker: Abuse reports warrant same changes as TYC scandal

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AUSTIN – Rep. Jerry Madden said Wednesday that lawmakers need to tackle reports of mistreatment inside state schools for the mentally retarded as aggressively as they did the abuse scandal at the Texas Youth Commission – including creation of a police presence inside the agency that oversees the schools.

"While the Legislature made vital changes to protect TYC youth, it did not pass crucial legislation that would have enabled better protection of the thousands of state school residents," Mr. Madden, R-Richardson, said in an opinion column his office sent to newspapers.

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It's the first time one of the state's leading Republicans has made a connection between the institutions. Gov. Rick Perry's office has said for months that it's wrong to compare the two, noting that leaders overseeing the state schools have responded more diligently than those who were in charge at the TYC.

Mr. Madden, reached by phone Wednesday, said the first step is to make the Health and Human Services Commission's inspector general that oversees the state schools a licensed police officer, so abuse investigations will lead to criminal penalties. Too often, he said, employees caught abusing residents don't get the kind of punishment or thorough investigation they warrant.

"We've basically found the same problems existed there as far as ability to investigate case, to turn over a well-prepared case to law enforcement," said Mr. Madden, who chairs the House Corrections Committee and was integral to overhauling the Texas Youth Commission this spring.

He noted that he co-authored a bill last session that would have, at the very least, given the inspector general the right to commission police officers to investigate state school abuse, but that the measure died in the Senate. He said he'll try again in 2009.

"The Legislature must not miss another opportunity to protect innocent Texans," he said.

Stephanie Goodman, a spokeswoman for the Texas Health and Human Services Commission, said the agency will honor any decision the Legislature makes about expanding the role of the inspector general. But she said the agency already refers "any case found to involve a possible criminal offense" to law enforcement officials. In fiscal 2006, she said, 230 state school cases were referred to law enforcement agents.

Mr. Madden's comments follow a July *Dallas Morning News* investigation into hundreds of cases of

abuse and neglect inside the state schools, most of them at the hands of those paid to watch over the state's neediest residents.

Documents released by all of the state's 12 schools for the mentally retarded showed everything from horrific physical violence to frightening verbal threats, derogatory slurs and pranks. And they highlighted problems throughout the state school system, not just at the Lubbock State School, which was the subject of a critical U.S. Justice Department report in December.

Officials with the state agency that supervises the schools say that in any direct-care environment, there will be cases of abuse and neglect. But they say they take them incredibly seriously and are constantly working to improve living conditions for the state's most fragile individuals.

The Justice Department, which sent investigators to the Lubbock State School in 2005, is still negotiating with state officials to resolve the problems at that facility.