



## Anti-state school campaign developing in Texas press

A new round of attacks on DADS state schools, and on the state employees who staff them, has opened up with articles in several newspapers that paint an extremely negative picture.

Advocacy Inc Executive Director Mary Faithfull turned up the rhetoric in an August 27 Op Ed article in the Houston Chronicle. Her piece mixes carefully selected facts, misstatements of fact, and emotionally loaded phrasing to mount an a broad attack on the existence of state schools.

This TSEU NewsBulletin includes a copy of Faithfull's piece [REVERSE SIDE] and a rebuttal written by TSEU [BELOW].

An excellent article (available in NewsClips section of the TSEU website) has also been published by Susan Payne. Payne, of College Station, has a sister who is a state school resident.

## Closing state schools will make a bad situation worse

TSEU submitted this letter to the Houston Chronicle for publication as an "Op Ed" to present an alternative viewpoint to the one in Mary Faithfull's piece. So far the Chronicle has not published our letter.

In a recent column, Mary Faithfull of Advocacy Inc. argues that Texas's state schools for people with mental retardation should be closed and residents dispersed to privately operated community homes.

There's no question that there are many problems at state schools. The US Justice Department after investigating the Lubbock State School reported that the school failed to provide adequate health care and protect residents from harm. The media, has also reported instances of abuse and neglect at some state schools.

These problems cannot be allowed to persist, and the Texas State Employees Union urges state officials to make improving care for Texas' most vulnerable residents a top priority. But the closure of state schools will make a bad situation much worse.

Faithfull states that most state school residents function at a moderate to high level and could easily live "happy, healthy, and safe lives" in community care homes.

But the Justice Department says otherwise. Its report on the Lubbock State School states that "three-fourths of the residents have a diagnosis of severe/profound mental retardation" and about one-half suffer from seizure disorders." Furthermore, "a number of residents have significant behavioral issues and receive psychotropic medications."

The Justice Department states that "most residents [at the Lubbock State School] require substantial staffing supports to meet their daily needs" and that the problems at the school are the result of under staffing and the lack adequate staff training.

Other state schools are similar to Lubbock. Last February, the Texas Department of Aging and Disability Services reported to the

legislature that 53 percent of state school residents have behavioral problems that put their safety and the safety of otehrs at risk, 38 percent are medically fragile, and 58 percent have a mental illness.

If these schools are closed, some may end up in community homes that can provide the substantial support they need, but most, especially those with mental health issues, will end up warehoused in what a Dallas Morning News reporter calls "privatized bedlam."

According to the News there are at least 350 of these "mental health slums" in the Dallas area alone, where residents subsist in "filth" and "neglect."

But according to Faithfull, this wouldn't be a problem because DADS monitors the facilities and can close them.

It's true that DADS monitors some homes, but the agency is short staffed and has shut down only a handful.

One veteran caseworker told the News, "Pretty much you can open up a boarding home anywhere you want to stuff as many people in there as you can . . . and get away with it."

Faithfull doesn't mention the families whose loved ones live in state schools. But many want to keep the schools open.

For example, the Lubbock Avalanche Journal reported that about 40 people at a 2004 local hearing on school closures told a panel that they wanted to keep the school open. Dave Crossland, whose daughter is a school resident, told the paper that he wanted to keep the school open because his daughter has the capabilities of two-year old and cannot live in the community.

For too long, Texas has taken care of people with mental retardation on the cheap. One result is that abuse sometimes occurs at its state schools.

The answer is to provide sufficient resources so that state schools can guarantee a safe and secure residence. Sufficient resources should also be available so that those who want to and are able to live in community homes can do so.

# Out of sight, mind & luck in Texas state schools - Residents would be safer in community than institutions

Houston Chronicle / 08-27-07  
Oped by MARY FAITHFULL

This article was written by the Executive Director of Advocacy, Inc. Advocacy opposes the existence of state schools as an option for Texans with developmental disabilities and their families.

**TSEU strongly disagrees with the position taken by Advocacy, Inc in this article.**

We are including it as an example of the arguments being used to attack state schools and the state employees who work in them.

We applaud the good work of a few diligent news reporters making the effort to look behind the closed doors of Texas' 13 state "schools" for people with mental retardation. In recent weeks, they have produced several excellent articles about hundreds of confirmed cases of abuse, neglect and exploitation that resulted in the injury - or death - of state school residents. Thanks to them and their respective news organizations for tackling a difficult story that needs to be told.

There are nearly 5,000 Texans locked away in these state institutions. They are people with mental and physical disabilities who are isolated in "schools" from which there is no graduation, on "campuses" they

are not at liberty to roam. They have few opportunities to see - or be seen by - the outside world. Most people don't even know they exist. The lucky ones have close family and friends to watch out for them.

Many, however, don't have legal representatives. Their closest human contact - day in and day out - comes from paid staff and the occasional volunteer. Because they are so isolated, it can be difficult for anyone on the outside to know that things are going wrong.

It's clear things are going wrong, and have been for a long time. Last December, the U.S. Department of Justice sent findings from its 2005 investigation of the Lubbock State School to Gov. Rick Perry. Citing the deaths of at least four residents and a long list of deficiencies, the Justice Department concluded the residents were at "great risk of harm."

In the year and a half after Justice's visit to Lubbock, 17 more residents died. Officials at the Department of Aging and Disability Services (DADS), the state agency that oversees the institutions, insist things have improved at that facility, but have yet to finalize an agreement to resolve the Justice Department's concerns.

Advocacy Inc. has a federal mandate to protect and advocate for the legal and human rights of Texans with disabilities. This includes authority to investigate if there is probable cause to believe an incident of abuse or neglect occurred. Given Justice's concerns about system issues in its report

on Lubbock, we launched a series of monitoring visits to that institution and five others. Since January 2007, we've opened more than 300 cases to assist residents in these six facilities with a wide range of issues, from abuse or neglect complaints to making a plan to move into the community.

State school residents are often characterized as too "medically fragile" or low-functioning to live in the community. That is not the case. DADS' statistics for the past two years indicate the majority of residents function in the moderate to high levels. They are no more significantly disabled than many people living happy, healthy and safe lives in the community today. In fact, most of the people we've met have a strong desire to join the rest of the world and live in the community.

They are not content to be parked in front of a television or jigsaw puzzle for hours a day; they think they can do more than tear paper into little pieces for a few cents of "earnings" each week.

We hope that point is not lost on state legislators and agency officials who have started to take notice of the media accounts of the atrocities occurring in the state schools. Most people want to live in the community. They want to be seen and heard - to be a part of the things everybody else is part of. They want to be safe. And the simple fact is they are not safe hidden away in large institutions, removed from the public view.

Are people with disabilities in the community ever victims of abuse, neglect or exploitation? Yes, sometimes they are. Some people use that as an excuse to keep the large state institutions around. They say nobody monitors group homes or Intermediate Care Facilities operated by private companies. In fact, DADS monitors those facilities and has the authority to shut them down, if necessary. That hasn't happened at any state school, even though DADS inspectors have documented numerous infractions of federal and state standards over the years. The state is better equipped to respond to problems in the community than in its own facilities.

Several legislators are calling for an investigation of the state schools and an opportunity to explore ways to assure residents' safety. We believe the best way to protect these vulnerable Texans is to move them out of the hidden hallways of those remote institutions.

It doesn't make sense to continue pouring precious dollars into an archaic system that isolates people based on disability labels and some unfortunate stereotypes and assumptions. The quality of community-based programs, services and supports has advanced such that even people with the most significant disabilities can thrive outside an institution.

Let's help them live in the protection of communities, with a wider circle of people looking out for their interests.

**Faithfull is executive director of Advocacy Inc. in Austin.**

## **WHAT TO DO NOW:**

Write your legislators and your local newspaper today! Let them know the truth about our jobs and the work we do for the people of Texas. We must turn the tide of this negative campaign.

Build the movement to stand up for quality services and to stop the attacks on state schools.  
Join TSEU and sign up your co-workers today.