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Ma'am;

On December 12, 2008 the Arc of Texas initiated a call to action to get the state schools of Texas closed. I believe that this call to actions was premature and was based upon a superficial reading and understanding of the documents available to the public.

As you know, in both 2005 and in 2008 the Department of Justice investigated the Lubbock State School, the Denton State School, and then all the state schools in Texas. The findings in both reports (dated 2006 and December 2008) were damning and spoke to issues largely stemming from staffing (too few staff, excessive turnover, being able to recruit quality staff, and a lack of staff training). These findings included failure to protect residents from harm, failure to provide comprehensive and integrated medical care, excessive use of restraints (mechanical, physical, and pharmacological), failure to provide behavioral and psychological programs to help the residents develop to being integratable into society one day, and a failure to get residents back into the community.

After the 2006 Department of Justice report, the Lubbock State School (on 5 April 2007) issued a report outlining the steps they had taken to address the deficiencies that the DOJ had found. Included in that report are pages of statistics, actions taken, and actions that need to be taken. In other words, the Department of Aging and Disability Services took the findings seriously and took steps to address them.

When the 2008 Denton State School investigation began turning up the same findings as in the Lubbock State School investigation, the Department of Justice expanded their investigation to include all the state schools in Texas. At that point, the Statue Auditor's Office and the Legislative Budget Board both looked at the state schools.

The State Auditor's report came up with several important findings. First, staffing issues are leading to problematic services. They cited two major areas; the first being that residents are not being informed about their living options. The second being that individuals who should be unemployable due to abuse/neglect histories are working in the state school system. The second major findings dealt with the costs of providing services in a state school setting vs. a community setting. Simply put, the state school setting costs more thanks to overhead, staffing, and central administration. The third finding is that DADS is not adequately penalizing community providers when necessary. In their management response, DADS noted that they have legislative hurdles to doing this. The fourth finding is that direct care staff are experiencing 46% annual turnover. Finally, the State Auditor's report noted that abuse and neglect are worse in community settings than in the state schools.

The Legislative Budget Board looked at the state schools from the perspective of closing them (i.e. what would the financial impact be?). Nowhere in their report do they discuss this being for the good of the residents. Several important things to note:

- First, community providers are less expensive than the state schools. However, this is comparing apples to oranges as the residents of the state schools have much more profound medical, development, and psychological issues. Moving them to the community will increase the cost of care.
- Second, it is unclear that many residents can be successfully moved to the community. They may not find settings to take care of them (in which case they become homeless). They may not find physicians willing to take Medicaid. They may not be reimbursed by Medicaid. There are serious concerns about this that should be carefully considered.
- Finally, the Legislative Budget Board essentially feels that potential savings are illusory. For example, the State Schools all have substantial debt service, deferred maintenance, and deed restrictions so it's not like they could just be sold. This means that a lot of the costs would be transferred to other state agencies.

If the State of Texas is serious about the state schools, then several things need to be done:

1. The State Auditor's report notes that approximately \$158 million in deferred maintenance is necessary. This is a one-time cost that should be appropriated. Hopefully it is obvious why the buildings should be repaired and modernized.
2. Staffing turnover is too high and staffing appears to impact the ability to deliver services to these residents of Texas. If Texas is serious about this service, then a substantial across-the-board pay raise should be enacted to both reduce turnover and to attract quality candidates.
3. The amount of staff should be increased in the facilities and perhaps even the central office.
4. Note that 2&3 would represent on-going costs.
5. Finally, monies need to be set aside each year for future maintenance and modernization of the state schools. This would allow this to be done on an on-going basis rather than a large amount of money every 5-10 years.

As leaders of the State of Texas, I ask that you be informed about the issues rather than consumers of media-driven hype. This is an emotional issue, but it is one that has significant long-term consequences and, as a result, should not be the subject of a hurried decision. I have sent a copy of this letter to my state and federal legislators as well as the Governor of Texas.

Thank you for your time.

Respectfully;
John M .Cissik