



THE **30th** **YEAR** **ANNIVERSARY**

RECORDER

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WHERE’S THE PADDLE NOW? TEXAS SCHOOL OFFENSES SINCE THE IMPLEMENTATION OF S.B. 393 IN 2013

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The juvenile justice landscape in Texas has undergone numerous changes in the past two decades. Starting around the turn of the century, there was a gradual “paradigm shift” of juvenile transgressions occurring on school grounds being adjudicated in court rather than internally by the school.¹ This transition was often referred to as “passing the paddle.”² By the time the 83rd Texas Legislature convened in 2013, there was concern that juvenile misdeeds were too frequently being punted to the criminal justice system. Calls to pump the brakes on passing the paddle to courts were heard across the State.³ In response, the 83rd Texas Legislature passed S.B. 393. The Legislature’s bill analysis for S.B. 393 reasoned that “too many juveniles [were] entering the criminal justice system due to the fact that there [were] no other alternatives.”⁴ It further stated that “[a]dditional diversionary measures [were] needed in order to provide early interventions for minors who commit certain [fine-only misdemeanors].”⁵ S.B. 393 created Subchapter E-1 of Chapter 37 of the Education Code. It is here that “school offenses” were born and still live today. The advent of school offenses, which provide procedural safeguards that must occur before a child can face charges in court due to alleged offenses committed at school, led TMCEC to update its unofficial phraseology to “passing the paddle *back*.”⁶ S.B. 393 has essentially passed the paddle to the prosecutor as gatekeeper for filing school offenses in municipal courts. Nearing a decade since implementation, it is high time to examine how S.B. 393 and school offenses have impacted juvenile justice in Texas.

Where’s the Paddle *continued on pg. 5*

Inside This Issue

From the Center	2	DPS/DMV COVID-19 Waiver End Dates	11
30th Year of <i>The Recorder</i>	3	National Night Out/Municipal Court Week	12
Around the State	4	Traffic Safety Outreach	14
Clerks’ Corner	10	Court User Feedback Project	17

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Special thanks to Avani Bhansali and Patty Thamez for design and layout of this edition of *The Recorder*.

FROM THE CENTER

TMCEC Announced Virtual Learning through July 31, 2021

Attention: Judges and Court Personnel, DO NOT WAIT FOR IN-PERSON TRAINING TO RESUME!

In the wake of a historic winter storm that left more than 4.3 million homes and businesses in Texas without power and 12 million people with disrupted water service, TMCEC was reminded again of the importance of certainty during uncertain times. It continues to be the dominant theme of Academic Year 2021.

While Texas is beginning to see progress in its efforts to decrease the spread of COVID-19, vaccine distribution is bottlenecked and likely will continue to be until sometime this summer. With the discovery of new COVID-19 variants, CDC recommendations continue to discourage mass gatherings.

Accordingly, as Texas thawed in late February, TMCEC announced in a statewide e-blast that all TMCEC events will be virtual through at least July 31, 2021. All regional seminars and the vast majority of TMCEC summer programming will continue to be offered exclusively online.

Registration is now open for virtual events through the end of July.

TMCEC released its third quarterly academic schedule in January. The winter and spring academic schedules are available on the TMCEC home page (tmcec.com). The summer academic schedule will be released in April.

Grand Opening
TMCEC
ONLINE STORE

Missing out on your favorite publications and merchandise? Visit the online TMCEC store! TMCEC is depending on your purchases of merchandise. So please buy some today!

All of TMCEC's publications and merchandise can now be purchased online. Experience the most simple way of shopping. Every product, delivered to you!

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Publications Shirts Accessories

COMMEMORATING THE 30TH YEAR OF THE RECORDER: TEXAS MUNICIPAL COURTS ASSOCIATION NEWS

As stated in the December 2020 issue of *The Recorder*, AY 21 marks the 30th anniversary of this journal. The first issue, called the *Municipal Court Reporter*, was published in January 1991. The issue you are reading now is the second of TMCEC's 30th volume.

The journal's first issue published a feature, Texas Municipal Courts Association News, with the below picture of the 1991 TMCA Board of Directors.



Pictured left to right: Dave Mahaffey, Bob Richter, Tommie Mills, Diane DeVasto, Phil Banks, Jane Supkis, Barbara Sullivan, Marvin Craft, Sylvia Garcia, Pam Lancaster, Richard Browning, Robin Smith, Joe Pirtle, Mike Smith, Burt Solomons, Gene Frohbieter

Hon. Robin Smith, retired Presiding Judge of the Midland Municipal Court, said about the above picture:

This was an interesting and dedicated group. While most have retired from public service, or unfortunately passed on, they all had the future of municipal courts in their hearts 30 years ago. Among the group is Judge Robert Richter who is still serving, Sylvia Garcia who is a United States Congresswoman, and the late Judge Joe Pirtle who was considered a founder of the Association (along with Judge Richter). At least seven of the judges pictured served as TMCA Presidents. The picture also includes the late Judge Dave Mahaffey, the only Board Member Emeritus of TMCA. At least half of the group I consider "lifers" who spent the majority of their careers serving in a municipal court. Those include: Judges Richter, Pirtle, Mills, Supkis, Sullivan, Mahaffey, Frohbieter, and myself. I am proud to have been pictured and served with these colleagues.

Also pictured, Hon. Bob Richter, who currently serves as Treasurer on the TMCA and TMCEC Boards of Directors, had this to say about the journal:

The Recorder has long been a much-anticipated publication from TMCEC for guidance and information to judges and court personnel since its initial publication in 1991. It has been an especially valuable benefit of membership for TMCA since an actual printed copy is mailed to members at their request to receive it instead of the online version. The articles contained in the publication as well as announcements of upcoming seminars has always been the favored reference point for most Municipal Courts in Texas.

If you would like to join the celebration, please send your reflections, favorite articles, comments, and stories about *The Recorder* through the last 30 years to Regan Metteauer (metteauer@tmcec.com).

AROUND THE STATE

Texas Municipal Courts Featured in National Toolkit for Court User Feedback

In January 2021, TMCEC and LaGratta Consulting released a national toolkit for collecting and learning from court user feedback. The “We Want to Hear From You!” toolkit outlines lessons from a court user feedback project funded by the State Justice Institute (SJI). The following cities participated in the pilot: Colleyville and Keller (a joint court shared by two cities), Del Rio, Fort Worth, Lubbock, San Antonio, Seguin, and West Lake Hills. The toolkit is online here: <http://bit.ly/user-feedback-toolkit>. See Pages 17 and 18 for a project summary.

Municipal Judge Appointed as Commissioner of the Texas Judicial Commission on Mental Health

Hon. Pamela H. Liston, Chief Judge of the Rowlett Municipal Court, was appointed by the Supreme Court of Texas and the Texas Court of Criminal Appeals as a Commissioner of the Texas Judicial Commission on Mental Health (JCMH) on January 20, 2021. Judge Liston has 25 years of experience in municipal courts and currently serves as President of the Board of Directors for the Texas Municipal Court Association and TMCEC. Created in 2018, the mission of the JCMH is to engage and empower court systems through collaboration, education, and leadership, thereby improving the lives of individuals with mental health needs, substance use disorders, and persons with intellectual and developmental disabilities.



Municipal Judge to Serve as Chair-elect of the Texas Young Lawyers Association

Hon. Lauren Renee Sepúlveda, municipal judge for the City of McAllen, was elected to serve as chair-elect of the Texas Young Lawyers Association (TYLA). Judge Sepúlveda was sworn in as municipal judge in January 2021. TYLA’s primary purposes are to facilitate the administration of justice, foster respect for the law, and advance the role of the legal profession in serving the public.

ONLINE REGISTRATION

Effective September 1, 2020, TMCEC Event Registration is ONLINE ONLY.



NEED HELP? For online registration issues and questions (including username and password questions), email us at info@tmcec.com or call 512.320.8274 and the TMCEC staff will be happy to help.

School Offense Defined

A “school offense” is defined as “an offense committed by a child enrolled in a public school that is a Class C Misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district.”⁷ For the purposes of school offenses, a “child” is a student aged 10-17.⁸ “Public school,” for the purposes of Subchapter E-1, is not expressly defined in the Education Code. However, Section 1.001(a) of the Education Code provides that the Education Code applies to “all educational institutions supported in whole or in part by state tax funds unless specifically excluded by this code.” Thus, there is a strong argument that the school offense statute applies to individuals aged 10-17 that are enrolled in a Texas school that is at least partially funded by state tax funds. No part of Subchapter E-1 indicates that the alleged offense must occur on the campus of the school where the student is enrolled. Specific offense statutes, however, should be closely examined to identify any elements that would preclude conduct occurring on school grounds from being an offense at all. For example, Disruption of Classes under Section 37.124 of the Education Code is not an offense if committed by a child enrolled at the school where the conduct occurred.⁹

School Offense Procedure

Section 37.143(a) of the Education Code prohibits a peace officer, law enforcement officer, or school resource officer from issuing a citation to a child alleged to have committed a school offense. In this way, Subchapter E-1 serves as a narrow, standalone criminal process outside the Code of Criminal Procedure, providing detailed steps to be followed before a child’s alleged Class C Misdemeanor on school grounds may be filed in court. Section 37.144(a) of the Education Code provides schools that commission peace officers under Section 37.081 of the Education Code with a framework to implement a system of graduated sanctions that must be completed before a school offense complaint may be filed for certain offenses.¹⁰ Graduated sanctions might include warning letters or school-based community service. Schools are not, however, required to implement such a system — even if they commission peace officers under Section 37.081.¹¹ If a school does commission peace officers and has implemented graduated sanctions, which is more common in urban and high population areas, Section 37.145 of the Education Code provides that a complaint may only be filed in court if the child fails to comply with or complete them. If a school has not implemented graduated sanctions, the school can go straight to the unique complaint process for school offenses described in the next paragraph.

Section 37.146 of the Education Code contains the requisites for a school offense complaint. First, it must follow the general complaint requirements of Article 45.019 of the Code of Criminal Procedure.¹² Additionally, it must be sworn to by a person having personal knowledge of the underlying facts giving rise to probable cause.¹³ Finally, a complaint under Section 37.146 must be accompanied by a statement from a school employee stating (1) whether the child is eligible for or receives special services under Subchapter A, Chapter 29 of the Education Code and (2) that graduated sanctions (if the school has implemented them) were indeed imposed on the child prior to filing the complaint.¹⁴

Section 37.147 of the Education Code gives the prosecuting attorney broad latitude to adopt rules related to filing school offense complaints in court. Simply put, Section 37.147 makes prosecutors the gatekeepers. Because each prosecutor can craft rules related to school offenses that suit their particular jurisdiction, school offenses have been handled in various ways throughout Texas.

S.B. 393 Has Led to a Drastic Reduction in Juvenile Class C Misdemeanor Case Filings

Data from the Office of Court Administration (OCA) indicates that, since the passage of S.B. 393, many schools have opted to deal with a student’s conduct internally rather than through the criminal justice system. And those schools that have implemented a graduated sanction program for eligible offenses may not file a complaint at all

if the child satisfactorily completes the program. Furthermore, the complaint swearing requirement is another barrier keeping school offenses from being filed in municipal court. It not only takes time administratively, but the idea of signing a sworn legal document alleging a child's criminal conduct may be intimidating to some school employees. Notably, however, Section 37.148 was added to Subchapter E-1 in 2015 to ensure that neither a school district nor an open enrollment charter school adopts policies prohibiting school employees from reporting alleged offenses they witness on school grounds to law enforcement for investigation.

According to OCA, from September 1, 2011 through August 31, 2012, there were 7,618 juvenile Education Code cases (except failure to attend school) filed in municipal courts.¹⁵ From January 1 through December 31, 2019, however, the number of such cases filed in municipal courts dwindled to just 233.¹⁶ This almost 97% decrease in juvenile Class C Education Code case filings shows Subchapter E-1's impact. Significant reductions in cases filed from other codes (e.g., Health and Safety Code) are also indicated by OCA's Annual Statistical Reports.¹⁷

Misbehaving at School: Then and Now

Perhaps the most effective way to illustrate how school offenses function is to examine the issue through two hypothetical examples. These hypotheticals have the same underlying facts, but Example A occurred before school offenses were implemented into Texas law and Example B occurred after.

Underlying facts: Teacher Terry witnesses Smokey Sam, a 14-year-old enrolled at Acme High School, smoking what appears to be a corn cob pipe filled with tobacco on the Acme High School campus.

Example A – Before September 1, 2013: Teacher Terry does not confront Smokey Sam, but rather calls the local police department and reports Smokey Sam. Law enforcement agents arrive and cite Smokey Sam in violation of Section 161.252(a)(1) of the Health and Safety Code. Smokey Sam signs a citation agreeing to appear at the Acme Municipal Court on a certain date.

Example B – After September 1, 2013: Teacher Terry approaches Smokey Sam and says that underage smoking is illegal and reports the conduct to the school principal. The principal contacts the Acme Police Department and reports Smokey Sam's smoking and includes a statement that Smokey Sam is not eligible for or receiving special services and that the school does not have graduated sanctions in place. Per rules created by the prosecutor under Section 37.147, the prosecuting attorney visits with Acme ISD representatives to determine whether a criminal court filing is in the interest of justice. After discussing Smokey Sam's case at length, the prosecutor decides that filing a complaint under Section 37.146 is appropriate. Later that week, the prosecutor contacts Teacher Terry and requests a detailed account of Smokey Sam's alleged underage smoking on campus. Once the account is finalized, Teacher Terry formally signs an affidavit describing the facts of the case in the presence of a notary. The prosecutor then files this affidavit along with the complaint at the Acme Municipal Court. The court sends Smokey Sam a notice to appear at the Acme Municipal Court on a certain date.

When viewed next to Example A, Example B illustrates additional steps that might be taken before an alleged school offense can reach the court as a result of S.B. 393. Even though Smokey Sam's case does ultimately get filed in court in Example B, there were multiple phases where the case could have been diverted.

Shades of Gray: Issues in Applying Subchapter E-1

Smokey Sam's hypothetical case is a relatively straight-forward scenario of how a school offense might play out. In reality, straight-forwardness is a luxury that municipal courts do not always enjoy. Consider these other post-September 1, 2013 school offense hypotheticals that may be more complex.

Example C: Mystery Melissa (also 14 years old) attends a football game with Smokey Sam on Friday night. The game is played at Acme High School. At the game, she encounters Joyful Jenny, a 13-year-old whom she has never liked. They exchange words that escalate to a physical altercation. Teacher Terry witnesses the fight. Suspecting that this may be illegal Disorderly Conduct under Section 42.01 of the Penal Code, and not wanting to endanger herself by intervening, Teacher Terry calls the police. The police arrive and identify Joyful Jenny as an Acme ISD student, but they have no record of Mystery Melissa. Mystery Melissa shows an identification card that indicates that she lives in a neighboring city where Redacre High School is located.

While Joyful Jenny is a student of Acme ISD, there is no evidence of Mystery Melissa's status as a student. What procedure should be followed? If Acme ISD has implemented graduated sanctions, is Mystery Melissa a student that Acme ISD must put through them? This answer may only be found within the graduated sanctions created by Acme ISD. If not, should the case be filed as a field release citation? If Melissa is indeed a public-school student and the offense is alleged to have been committed on school grounds, Subchapter E-1 *may* preclude the use of a citation. Should Joyful Jenny be treated differently than Mystery Melissa because she clearly attends a public school? If Jenny is a student and Melissa is not, the procedures may indeed be different. If Mystery Melissa is indeed a student, can she simply "jump" jurisdictions and commit offenses on school grounds without repercussions?

Example D: Acme police respond to a call from Acme High School. When they arrive, they are given access to a backpack owned by Jovial Joni, a 15-year-old who is suspiciously loitering in the hallways of Acme High School accompanied by Sneaky Shane, who is also 15 years old. In the backpack, police discover a set of scales and a pipe containing what appears to be marijuana residue. These items appear to be prohibited Drug Paraphernalia under Section 481.125 of the Health and Safety Code. They ask each individual for identification. Jovial Joni says that she does not have identification but says that she attends high school in Greenacre—a city in Texas about 250 miles from Acme. Sneaky Shane produces a student identification card from a high school in the State of Oklahoma.

Again, what procedure should be followed? Does Subchapter E-1 apply to either Jovial Joni or Sneaky Shane in this case? Should the case be filed as a field release citation? If Jovial Joni's case is not processed under Subchapter E-1 because her student status at Greenacre ISD cannot be confirmed, but it is later discovered that she is actually a student at Acme High School, what happens to the case? Can Sneaky Shane simply "jump" jurisdictions and commit offenses on school grounds without repercussions?

In both Example C and D, the prosecutor in the town of Acme may want to consider addressing these types of scenarios in the procedure she or he implements for reviewing and filing charges. For example, the prosecutor may require that the school certify that the student is or is not a student in the particular ISD system.

There is no finite answer to whether Subchapter E-1 applies to otherwise eligible individuals that attend school outside of the school district where the alleged offense occurred. Some jurisdictions interpret Section 1.001(a) of the Education Code to mean that Subchapter E-1 applies to any otherwise eligible individual that attends a public school *in Texas*. In Example D, this interpretation would exempt Sneaky Shane (not from Texas), but not Jovial Joni (a Texas student but not from Acme ISD), from Subchapter E-1's requirements—assuming their student statuses as provided at the time of the alleged offense checked out.

But to what lengths should a governing body go in ascertaining an individual's student status if they are not enrolled in the ISD where the alleged offense occurred? There is no central database that provides ready access to this information. Such an inquiry would likely entail significant legwork in contacting other districts. In some cases, an individual's student status may be easily ascertainable. But one can imagine the difficulty if the individual is not forthcoming or honest with their personal information. Is this exercise in the best interest of judicial efficiency? Did the Legislature intend such tedium when S.B. 393 was passed?

Section 37.146(a)(2) of the Education Code—requiring a statement from a school employee stating whether the child is eligible for or receives special services under Subchapter A, Chapter 29 of the Education Code—also spawns questions. Consider the following example.

Example E: Jumpy Jimmie attends Acme Middle School and is 14 years old. One Thursday, the school holds a pep rally and before leaving to go to the gym, Jumpy Jimmie begins to yell and scream in the classroom and breaks into a full tantrum on the floor. This event causes a large disturbance. Acme police are called and arrive at the scene. The school wishes to press charges for Disorderly Conduct under Section 42.01 of the Penal Code through Subchapter E-1 of the Education Code. In the complaint, the school indicates that Jumpy Jimmie is not eligible for and does not receive special services. During their investigation, police discover that Jumpy Jimmie is autistic. They suspect that Jimmie may have panicked because of the noise associated with the pep rally.

What type of information would be important for review by the prosecutor? In this example, the prosecutor may want to examine whether Jumpy Jimmie is eligible to receive special services for a disability. This requires an analysis of Subchapter A, Chapter 29 of the Education Code. Subchapter E-1 does not, however, provide prosecutors with guidance on how to address school offense cases where a child is receiving or is eligible for (but not receiving) special services.

The Prosecutor’s Central Role in School Offenses

Subchapter E-1 designates the prosecutor as the driver of a school offense charge. Ultimately, the prosecutor screens the charge in a way that is similar to the role of the district attorney in any county or district office. Under the statute, a prosecutor may add conditions to the processing of school offenses. For example, a prosecutor may ask that the discipline plan be filed for any student eligible for or receiving services or may request to see any graduated sanction plan of a student for certain charges, such as Disorderly Conduct.

It is incumbent upon the prosecutor to set a jurisdiction’s standards for school offenses. A written policy, which can be reviewed annually with school resource officers and administrators, is certainly a best practice. Importantly, judges do not set the policy. But they can assist by being the public face of the court and facilitate meetings with school officials and police assigned to the school system. Newer prosecutors may also benefit from learning from the judge about past school offense experiences and procedures. Judges, working with their assigned prosecutor, can tee up the ball for the annual meeting’s kick-off. It is critical that judges remain impartial; they must ensure clear roles for each player of the game. S.B. 393 can be viewed as having passed the paddle to the prosecutor who must give the “all clear” before the judge becomes involved in a particular case.

Where Do We Go from Here?

The examples provided are not designed to highlight blind spots in Subchapter E-1. Rather, they serve to showcase the tough decisions schools and prosecutors may be faced with in determining how to process alleged

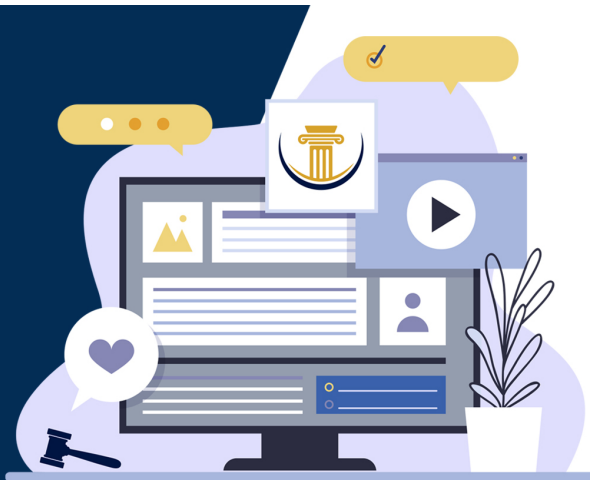
A dark blue rectangular graphic with a yellow banner at the top. On the left is a stylized computer monitor icon with a white mouse cursor pointing at it; the screen displays 'TMCEC.com'. To the right of the banner, the text reads: 'Check out the newly designed TMCEC website beginning March 1, 2021 (tmcec.com)! TMCEC staff members worked closely with designers to make the website not only better-looking but a more efficient and useful tool for constituents. We are excited for you to see it!'

TMCEC New Website Design Launch on March 1!

Check out the newly designed TMCEC website beginning March 1, 2021 (tmcec.com)! TMCEC staff members worked closely with designers to make the website not only better-looking but a more efficient and useful tool for constituents. We are excited for you to see it!

offenses occurring on campuses. Where the law is not abundantly clear, it necessarily gives those implementing or enforcing it a degree of discretion. This certainly appears to be the case with Subchapter E-1 in its current form. Whether the Legislature decides to amend Subchapter E-1 in any way remains to be seen.

1. See, Ryan Kellus Turner, "Passing the Paddle" Part 1: The Emergence of Local Trial Courts in the Texas Juvenile Justice System and the Criminalization of Misconduct by Children, 21 THE RECORDER 19, 19 (June 2012).
2. *Id.*
3. See, Jody Serrano, *School Officers Can No Longer Issue On-Campus Misdemeanor Citations*, TEX. TRIB. (Aug. 29, 2013), available at <https://www.texastribune.org/2013/08/29/class-disruption-cases-head-principals-office-not/> (accessed December 11, 2020).
4. Senate Comm. on Juris., Bill Analysis (Enrolled), Tex. S.B. 393, 83d Leg., R.S. (2013).
5. *Id.*
6. See, Ryan Kellus Turner, *Passing the Paddle Back: The Classroom to Courtroom Pipeline after the 83rd Texas Legislature*, TMCEC Live Webinar (December 5, 2013), <https://tmcec.remote-learner.net/course/view.php?id=157>.
7. Tex. Educ. Code § 37.141(2).
8. Tex. Educ. Code § 37.141(1).
9. Tex. Educ. Code § 37.124(a).
10. Tex. Educ. Code § 37.144(a): offenses eligible for graduated sanctions include Disruption of Classes (by a child not enrolled at the school where the conduct occurred), Disruption of Transportation (although this offense cannot be committed by a child enrolled in any school), and certain categories of Disorderly Conduct.
11. Tex. Educ. Code § 37.144(a) ("A school *may* develop a system of graduated sanctions . . . [emphasis added].")
12. Tex. Educ. Code § 37.146(a).
13. Tex. Educ. Code § 37.146(a)(1).
14. Tex. Educ. Code § 37.146(a)(2).
15. Office of Court Admin. Annual Statistical Report for the Texas Judiciary Fiscal Year 2012, pg. 90 (2012) https://www.txcourts.gov/media/454873/2012-Annual-Report-2_1_13.pdf.
16. Office of Court Admin. Municipal Court Activity Detail September 1, 2018 to August 31, 2019, pg. 2 (2019) <https://www.txcourts.gov/media/1445568/3-municipal-activity-detail-2019.pdf>.
17. See, *Statistics & Other Data*, Office of Court Administration, available at www.txcourts.gov/statistics/annual-statistical-reports/ (accessed December 15, 2020).



TMCEC AY21 WEBINAR SERIES

Webinars are available live and on-demand on the Online Learning Center (OLC). Webinar participation is open to all municipal judges, clerks, court administrators, prosecutors, and juvenile case managers. Live webinars begin at 10:00 a.m. on their scheduled day and typically last one hour. On-demand webinars are available anytime on the OLC (online.tmcec.com).

Webinar participation counts for one hour of credit toward the clerk certification program. Specific webinars noted with a label on the OLC count for one hour of judicial credit (red label) and others may be submitted to the State Bar for MCLE credit for attorneys (yellow label).

For more detailed instructions on watching webinars, visit the Upcoming Webinars page of the OLC, the Webinars page on tmcec.com, or contact TMCEC at 800.252.3718.

ALSO AVAILABLE ON THE OLC: Online Court Security Officer Certification Course (10999)

This online course meets the S.B. 42 mandate for court security officers. Registration is open throughout the year; however, regardless of the date of registration, the course must be completed by the last day of the month in which you register. There is no registration fee.

A TCOLE PID (personal identification number) is required in order to receive credit. Completion of all course requirements is mandatory for credit. No partial credit will be given. Failure to complete the course by the deadline will result in no credit. In that event, registration for and completion of another course is required for credit.

CLERKS' CORNER

Congratulations Lily Pebworth, Program Director



TMCEC is pleased to announce that Lily Pebworth was hired as Program Director. The Program Director is a project manager responsible for TMCEC professional and continuing education programs for municipal court support personnel (court clerks, court managers, and court administrators). While many applicants had impressive credentials, only one was uniquely qualified. Lily embodies the virtues of an ideal team player. Her work ethic is well known by both her colleagues and organizations she has worked with, including the Texas Court Clerks Association and the National Center for State Courts. For nearly four years we have had the opportunity to watch her work and succeed in three different job capacities and we are confident that she is the right person, at the right time, for the road ahead.

TMCEC's greatest asset is our people. This includes our staff, our constituents, and our faculty. Lily has always been a wonderful part of our staff and has been great in working very closely with our constituents and faculty in her work with the clerk certification program in the last two years. Lily will remain involved with the certification program, but her scope will broaden as she focuses on the education of all our court support staff.

Clerk Certification Program

Practice Exams and Testing

Practice exams for the clerk certification program are available on the Online Learning Center (online.tmcec.com). Currently, testing for clerk certification is solely being conducted by the Texas Court Clerks Association. Visit <https://www.texascourtclerks.org/Events> for exam dates and locations.

Upcoming AY 21 Seminar for Clerks Seeking Certification

Registration is open for the Virtual Court Administrators Seminar (June 21-23, 2021). This seminar is designed to enhance skills for effective court management. It is a required course for the third and final level of the Court Clerks Certification Program.

The program focuses on developing the court administrator as a court leader and provides courses on topics not generally offered at the regional seminars. The seminar is open to court administrators, court supervisors, or anyone seeking designation as a Certified Municipal Court Clerk.

To register, go to register.tmcec.com. The registration fee is \$100. For more information on TMCEC seminars for clerks, go to <http://tmcec.com> and click on the Clerks & Court Administrators tab.

For more information on the clerk certification program, go to the TMCEC website and click on Clerk Certification.

COVID-19 WAIVER END DATES ANNOUNCED BY DPS, DMV FOR DRIVER'S LICENSE AND VEHICLE REGISTRATION

In March 2020, Governor Greg Abbott announced via two press releases that, due to the pandemic, certain rules related to expired driver's licenses and vehicle registrations were suspended. Detailed information about these waivers can be viewed on TMCEC's *COVID-19 Update* page, located at <http://www.tmcec.com/calendar/covid-19-novel-coronavirus-update/>. In both press releases, Governor Abbott gave the applicable agencies discretion on how long the waivers would last.

On December 15, the Department of Public Safety (DPS) and Department of Motor Vehicles (DMV) separately announced that these waivers would end on April 14, 2021. DPS is in charge of administering driver's licenses and DMV handles vehicle registrations. The DPS driver's license announcement can be viewed at https://www.dps.texas.gov/director_staff/media_and_communications/pr/2020/1215a and the DMV vehicle registrations announcement at <https://www.txdmv.gov/covid-19>.

Now that the end is in sight, both agencies urge drivers to renew any expired driver's licenses and vehicle registrations. The DMV announcement asks drivers to renew "by" April 14, 2021, which indicates that the waiver is still in effect on April 14 and expired registration citations may resume starting on April 15, 2021. As for DPS and driver's licenses, in addition to the announcement, a letter dated December 15, 2020 became available at <https://www.dps.texas.gov/DriverLicense/documents/extndExpDateDL.pdf>. This letter indicates that the waiver period *includes* April 14. Thus, despite language from both agencies that the waivers end on April 14, it appears that they actually end at precisely 12:00 a.m. on April 15.

**NO COST
TO
ATTEND!**

MOTIVATIONAL INTERVIEWING, SCREENING, & BRIEF INTERVENTION

MARCH 24, 2021 | 8:30 AM TO 4:00 PM

**PRESENTER:
SCOTT WALTERS, PH.D.**

TMCEC PRESENTS A ONE DAY VIRTUAL WORKSHOP

Motivational Interviewing, Screening, & Brief Intervention (MISBI) is a counseling approach to effect behavioral and attitudinal change in individuals. Municipal court employees communicate with defendants on a daily basis. MISBI is an innovative method of talking with them that seeks to change their mindset and attitude with the end goal of preventing re-offending.

Anticipated Judicial Education & Clerk Certification Credit Hours: 6.5

Register Today at <http://www.tmcec.com/registration/>.

Enrollment is limited to 28 participants and is on a first come, first served basis.

More information:

<http://www.tmcec.com/mtsi/motivational-interviewing/>

Questions? Contact Ned Minevitz at 512.320.8274 or ned@tmcec.com



MUNICIPAL TRAFFIC SAFETY
INITIATIVES

 **Save a Life**[™]
TEXAS DEPARTMENT OF TRANSPORTATION

TEXAS MUNICIPAL COURTS REMAIN COMMITTED TO TRAFFIC SAFETY DURING COVID-19

VIRTUAL TRAFFIC SAFETY CONFERENCE

REGISTER TODAY

MARCH 29-31, 2021

Come see why municipal court representatives from across Texas come to the Traffic Safety Conference year after year!

Traffic safety topics uniquely relevant to municipal courts!

Presentation of the annual MTSI Traffic Safety Awards!

Up to 16 hours of judicial education and clerk certification credit

MCLE credit for attorneys (amount TBD)

Space is limited! Registration fee is \$100. Register today at www.tmcec.com/registration.

Questions?

Visit <http://www.tmcec.com/mtsi/mtsi-conference/> or contact Ned Minevitz at ned@tmcec.com or 512.320.8274.



Despite COVID-19, municipal courts across Texas were still able to conduct meaningful traffic safety outreach. According to the Texas A&M Transportation Institute, while there have been fewer vehicles and crashes on Texas roads in 2020, the severity of those crashes has increased. The proportion of all crashes that have resulted in a fatality has increased by a staggering 50%. Furthermore, Texas's tragic streak of no deathless days on its roads since November 7, 2000 has not been broken as of January 22, 2021. Thus, the need for effective prevention efforts is as critical as ever. TMCEC commends those municipal courts that have tailored their outreach efforts to meet the changing needs of the "new normal."

The following courts reported participation in National Night Out (October 6) and/or Municipal Court Week (November 2-6) in 2020:



- | | |
|-------------|------------|
| ARCOLA | GREENVILLE |
| COLUMBUS | INGLESIDE |
| CONROE | PECOS CITY |
| DAISETTA | RHOME |
| ELMENDORF | TEAGUE |
| FATE | UVALDE |
| FLORESVILLE | VICTORIA |
| FORNEY | WINK |
| FULSHEAR | |

ALLEN
 ANDREWS
 ARCOLA
 ARLINGTON
 AZLE
 BIG SPRING
 COLLEGE STATION
 COLUMBUS
 COMANCHE
 CONROE
 DALLAS
 DANBURY
 DENISON
 EL PASO
 FATE
 FORT WORTH
 FLORESVILLE



LANCASTER
 MCKINNEY
 MESQUITE
 MORGAN'S
 POINT MORTON
 ODESSA
 PORT LAVACA
 RHOME
 RICHARDSON
 ROUND ROCK
 SAN ELIZARIO
 UVALDE
 VICTORIA
 WATAUGA
 WILLS POINT
 WILMER
 WYLIE

GRANBURY
 HARKER HEIGHTS
 HELOTES
 HEMPSTEAD

HOUSTON
 INGLESIDE
 LA PORTE



FREE TEEN COURT PLANNING SEMINAR APRIL 5-6, 2021



IS YOUR COURT INTERESTED IN STARTING OR ENHANCING A TEEN COURT PROGRAM?

TMCEC, in conjunction with the Georgetown Municipal Court, Teen Court Association of Texas, and the Texas Department of Transportation (TxDOT), is proud to offer a free teen court planning seminar for a limited number of participants. This intimate seminar gives municipal courts all of the tools necessary to start or enhance a teen court! Open to all Texas municipal court employees.

For more information and to register, please visit
<http://www.tmcec.com/mtsi/teen-court/>
 or contact Ned Minevitz at ned@tmcec.com or (512) 320-8274

TRAFFIC SAFETY OUTREACH DURING COVID-19: VIRTUALLY ACHIEVABLE

This article is brought to you by Driving on the Right Side of the Road (DRSR), a TMCEC grant funded by the Texas Department of Transportation (TxDOT).

As the COVID-19 crisis drags on, municipal courts are striving to provide traffic safety education safely. Social distancing has necessitated moving most court traffic safety education and outreach from in-person to a virtual format. DRSR continues to assist courts in sharing vital traffic safety resources in virtual formats using the materials on the TMCEC website!

Children's Books

DRSR's children's books are available on the DRSR website (<http://www.tmcec.com/drsr/educators/childrens-books/>) as PowerPoints and as Flipbooks. Many courts find they can read to children via Zoom or other digital platforms using the DRSR PowerPoints. Most of the English titles have attached lessons that judges and clerks can use with students to check for understanding or bring meaning to the traffic safety lessons illustrated in each book. These lessons have been written by educators and cover important reading TEKS (Texas Essential Knowledge and Skills) that each Texas teacher must cover with their students.

DRSR can ship physical copies of the books (and other resource materials) to schools that are virtually hosting a court visit. This way, teachers can distribute a book to each student for them to follow along as court personnel read the book aloud. Students will be excited to have their own personal copy; many students do not own books of their own. By providing these titles to students, courts are encouraging reading and showing the importance and joy of reading. Shipping is free thanks to DRSR's generous TxDOT grant. DRSR can generally provide as many books as are needed to give every student a copy.

The screenshot shows the Texas Municipal Courts Education Center website. The header includes the logo and the text "Texas Municipal Courts Education Center". Below the header is a navigation menu with options like Home, Programs, Registration, Schedule, Clerk Certification, Webinars, Course Materials, Resources, Links, and TMCA. The main content area is titled "Children's Books" and features a grid of book covers. The books shown include "Be Careful with the Car", "Ten Cuidado with the Car", "Don't Monkey Around with Safety", and "No Juegues de Seguridad with CARRO". Each book cover has associated links for English and Spanish MP3s, English and Spanish PowerPoints, and English and Spanish Online Flipbooks. A sidebar on the right lists additional resources like Lessons and Curriculum, Teacher Training, and Traffic Safety Resources. At the bottom right, there is a "Save a Life" logo and a cartoon character holding a "STAY SAFE" sign.



Monkey Puppets

DRSR has a limited quantity of monkey puppets to use when reading DRSR traffic safety children's books to students. Nothing brightens up a virtual event quite like a monkey puppet reading a DRSR traffic safety book to the kids. If you are going to do outreach for an elementary school, please call or email DRSR for availability. Monkey puppets

ship in pairs. Be sure to order well ahead of time for your outreach event—quantities are limited! Reading to young students using these cute, plush puppet pairs is such fun to do!

Bucklebears

DRSR also has several Bucklebears for loan. These Bucklebears are large lap puppets that come with traffic safety curriculum on DVDs that are easy to access and use. The Bucklebear curriculum includes bike safety, pedestrian safety, seat belt use, and school bus safety. These awesome lap puppets are a great way to introduce traffic safety to a younger audience. Bucklebear puppets are available in limited quantities, so contact DRSR early to reserve yours before your next school visit.

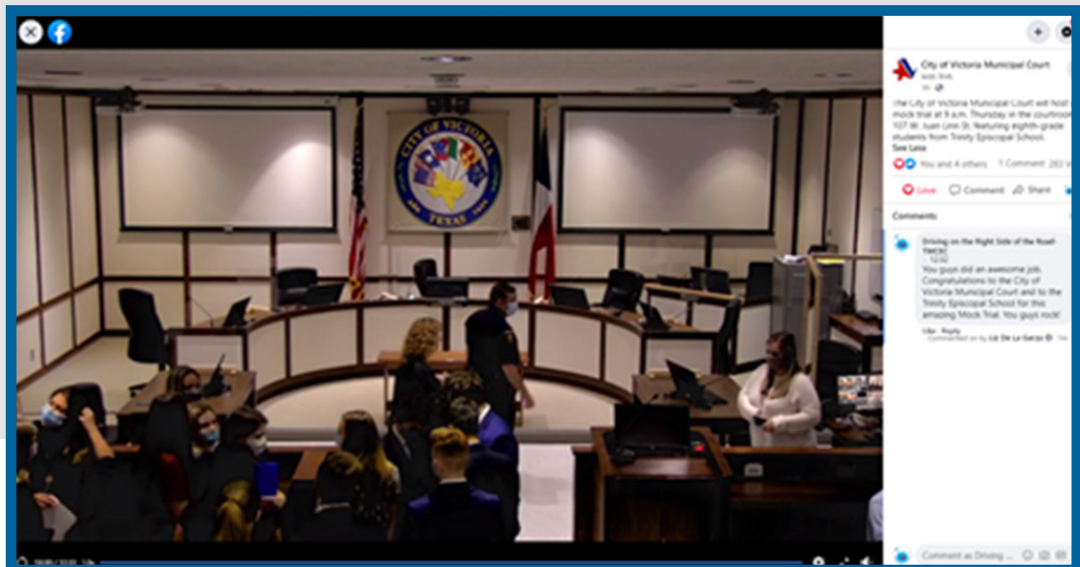


Mock Trials

Participating in a mock trial is a great way to teach young adults and teens about traffic safety. A virtual mock trial is doable with new materials available from DRSR and TMCEC’s other grant from TxDOT, Municipal Traffic Safety Initiatives (MTSI). MTSI’s comprehensive *DUI Mock Trial*, developed in 2019, is available online at http://www.tmcec.com/files/6915/7989/0052/DUI_Mock_Trial_revised_12-11.pdf. This easy-to-use mock trial was written as a collaborative project between classroom teachers in Texas and TMCEC attorneys. It is TEK correlated 7th–12th grade but can also be used for college aged students. This mock trial highlights trial processes and the dangers of underage impaired driving. For hard copies or questions related to the DUI Mock Trial, please contact Ned Minevitz at ned@tmcec.com.

Also brand new to our mock trial curriculum are the DRSR mock trial “how to” videos now available on DRSR’s website at <http://www.tmcec.com/drsr/>. This five-part video series teaches and reviews each part of the mock trial process, making it easy to show students and teachers how to stage their own mock trial. These videos, like all DRSR and MTSI resources, are free.

DRSR is also updating the existing *Mock Trial Guide* curriculum. The new version will be available for download in January 2021 on the DRSR website and in hard copy (in limited amounts) in the spring. This updated version has our great original lessons updated with a fresh look, updated TEKS, and several new lessons that link with DRSR’s new “how to” videos. Look for this updated publication soon!



Victoria Municipal Court mock trial with a local school

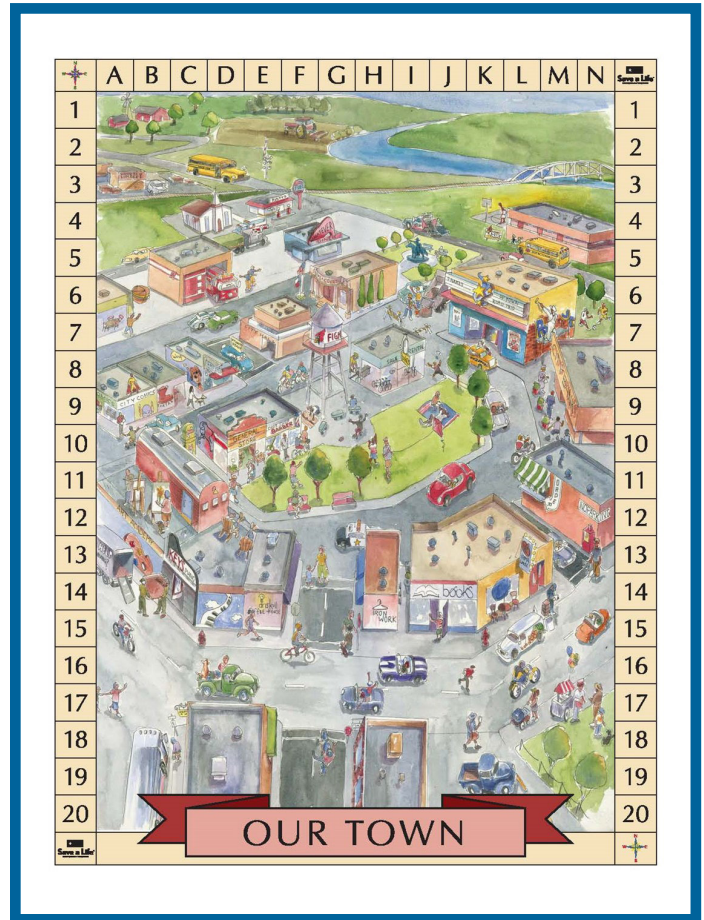
Curriculum and Classroom Lessons

DRSR is also updating the existing kindergarten through 12th grade classroom curriculum. These updated lessons can be used by court personnel when doing school-based virtual outreach. One of the easiest lessons to use virtually is the *Our Town* map. DRSR can mail class sets of these maps to classrooms hosting virtual court visits. This way, as the judge or clerk goes through the traffic safety map lesson with the students, the students can look at their own personal map! The teacher can then use the map in many ways. Not only can it teach traffic safety, but can be used as a story starter, a means to teach map usage, or to help educate the students on X/Y axis math lessons! These maps are NOT listed on the DRSR order form but can be ordered by just writing down your request for maps in the “Other Materials” box on the bottom of the DRSR order form, located at <http://www.tmcec.com/drsr/materials-request-forms>.

Contact Us

DRSR is always looking for great ideas to make virtual traffic safety outreach more interesting for students and easier for courts. Do not hesitate to contact Liz De La Garza with input ((512) 320-8274, drsr@tmcec.com, or elizabeth@tmcec.com)! Through the DRSR grant, TMCEC strives to craft lessons and materials around what works best for your court. Through the DRSR grant, TMCEC will share your great ideas with other courts, use them to improve existing lessons and materials, or use them as a basis for new traffic safety resources. It is important to note that feedback from municipal courts is especially helpful in this time of social distancing.

Stay safe out there!



LIVE VIRTUAL SEMINAR

Interactive conferences with real-time questions to TMCEC attorneys, faculty and peers during the seminar.

\$100 REGISTRATION FEE

Registration is now open for March 22-24, 2021. To register online, please visit <https://register.tmcec.com/web/Online>

UP TO 14.0 HOURS OF CLE CREDIT INCLUDING 2.0 HOURS OF ETHICS

CLE credit will be available for an additional fee (payable at registration). Credit available for continuing legal education requirements for certification and recertification in Criminal Law.

CONTACT US

For any questions, give us a call at 800-252-3718 and one of our staff members can assist you.

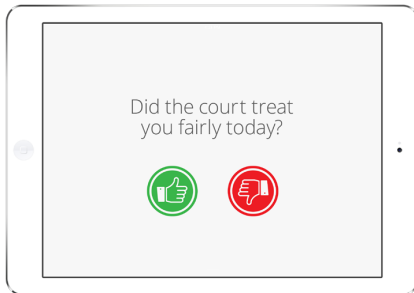
AGENDA This year we will be addressing changes authorized by emergency orders from the Texas Supreme Court and the Court of Criminal Appeals alongside practical issues and practice considerations for conducting eCourt. Attendees will also get a preview of the 87th Legislative Session, looking at potential legislation affecting municipalities (only available at the Prosecutors Seminar)!

REGISTER NOW

MARCH 22-24 & JUNE 21-23

2021 VIRTUAL PROSECUTORS CONFERENCE

The “We Want To Hear From You!” Court User Feedback Project set out to test new ways for court leaders to collect and learn from court user feedback.



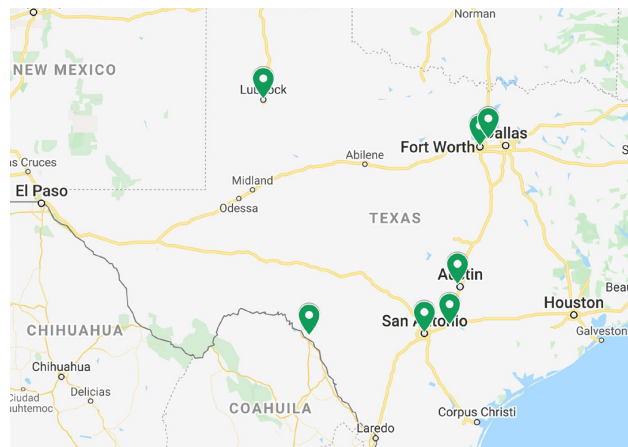
- ❓ What might court leaders do differently if they knew that a significant number of court users thought the court did not treat them fairly?
- ❓ What might a judge do differently if she knew that court users felt they had more voice in the process when she took time to invite questions at the end of each appearance?
- ❓ What might a court administrator do differently if he knew that a third of court users do not feel like they understand the next steps in their case after being served at an information window?

WHO: Courts that Prioritize Fairness & Trust

Many courts have made meaningful investments in procedural fairness, a concept that emerged out of studies showing that how court users feel they are treated has a significant impact on their perceptions of fairness and their voluntary compliance with the court. These high-aiming courts have implemented judicial and court staff training, used judicial bench cards, and made improvements to their court websites and signage. Some have even used court user surveys and comment cards to collect feedback, but these practices remain far from mainstream and tend to be difficult to sustain as routine practice.

The big picture goal:
Help courts use feedback to make their courts more fair

Thanks to low-cost technology tools, court leaders have new options to collect and learn from court user feedback. Inviting feedback gives voice to court users—a key dimension of procedural fairness—and provides valuable insights to court leaders when identifying and addressing court practices and policies in need of improvement.



7 municipal courts in Texas partnered with us to collect and review court user feedback over a 3-month pilot

1,900
COURT USERS

Over 3 months, pilot courts got feedback from over 1,900 court users



APPROX. **75%**
In-person



APPROX. **25%**
via Email

WHAT: Real-time Court User Feedback

Pilot courts used off-the-shelf feedback software on iPad tablets and within staff email signatures to request feedback from court users July through September 2020. Due to pandemic responses during the pilot, courts implemented modified processes and some courts were not holding any in-person hearings. As such, in-person feedback covered experiences at court clerks' windows and (less commonly) attending court in-person, whereas remote feedback solicited via email was used as follow-up to court users' virtual court appearances and after communicating with court staff via email.

Using real-time data and summary reports provided by project staff, court leaders digested what insights the feedback volume and content suggested.

SAMPLE FEEDBACK REQUESTED

**Did the court treat you with respect today? /
¿La corte lo trató con respeto el día de hoy?**

**How could we improve our service? /
¿Cómo podemos mejorar nuestro servicio?**

Safer
conditions

More
respectful
staff

Better
information

Other

Español

**Do you think this court is neutral and unbiased?
¿Usted cree que la corte es neutral e imparcial?**

Court Clerk
West Lake Hills municipal Court of Record, NO. 1
www.westlakehills.org/court

SAMPLE FEEDBACK RECEIVED

- *I got my first violation which is really embarrassing and [staff name] helped me out with no judgment.*
- *Since I couldn't leave work or... wait while on the phone, [staff name] was very gracious to communicate with me through emails. She did her very best getting me information on how to help... pay my ticket and... keep it off my record.*
- *Wonderful folks in a thankless job.*

Did the court treat you fairly today?



WHY: Court user feedback is the best way to know whether court fairness efforts are improving perceptions of fairness and trust.

Feedback volume:	Up to 30 responses/day
Response rates (in-person):	14% average 30%+ in two courts
Response rates (via email):	Ranging 7-15%

WE WANT TO HEAR FROM YOU!

Court User Feedback Project

Download a step-by-step toolkit with sample feedback questions [here](#).

The project was led by the Texas Municipal Courts Education Center (TMCEC) in partnership with LaGratta Consulting and with funding from the State Justice Institute (SJI-20-T-012). Questions about these efforts may be directed to Emily@lagratta.com at LaGratta Consulting and info@tmcec.com at TMCEC.

COURT USER FEEDBACK PROJECT Texas Municipal Courts Education Center/LaGratta Consulting LLC ©2020

REMAINING AY 21 EVENT SCHEDULE

SEMINAR	REGISTRATION OPEN	DATE(S)	LOCATION
Virtual Regional Judges & Clerks Seminars - North Texas	OPEN NOW	March 3-5, 2021	Online
Virtual Prosecutors Seminar	OPEN NOW	March 22-24, 2021	Online
Virtual Motivational Interviewing Workshop	OPEN NOW	March 24, 2021	Online
Virtual Traffic Safety Conference	OPEN NOW	March 29-31, 2021	Online
Virtual Teen Court Workshop	OPEN NOW	April 5-6, 2021	Online
Virtual Regional Judges & Clerks Seminars - Panhandle	OPEN NOW	April 12-14, 2021	Online
Virtual Regional Clerks Seminar - South Texas	OPEN NOW	April 26-28, 2021	Online
Virtual Regional Judges Seminar - South Texas	OPEN NOW	May 3-5, 2021	Online
Virtual Court Security Conference (Open to Judges and Court Personnel)	OPEN NOW	May 17-19, 2021	Online
Virtual Juvenile Case Managers Seminar	OPEN NOW	June 9-11, 2021	Online
Virtual Prosecutors Seminar	OPEN NOW	June 21-23, 2021	Online
Virtual Court Administrators Seminar	OPEN NOW	June 21-23, 2021	Online
Virtual Regional Judges & Clerks Seminars – West Texas	OPEN NOW	June 28-30, 2021	Online
Virtual C3 (Councils, Courts, Cities) Magistrates Conference	OPEN NOW	July 7-8, 2021	Online
Virtual New Judges & Clerks Seminars	OPEN NOW	July 26-30, 2021	Online
Impaired Driving Symposium	June	August 2-3, 2021	Corpus Christi
Legislative Update	June	August 10, 2021	Lubbock
Legislative Update	June	August 17, 2021	Dallas
Legislative Update	June	August 20, 2021	Houston
Legislative Update	June	August 24, 2021	Austin

All scheduled in-person events are tentative and subject to restrictions by the Court of Criminal Appeals, state and local orders, and recommendations of local public health authorities. As such, in-person events may become virtual events; however, TMCEC will make every effort to hold the virtual event on the same dates as the scheduled in-person event. Locations and dates are subject to change.

TMCEC's 10-year Anniversary on Facebook

January 2021 marked the 10-year anniversary of TMCEC's Facebook page. With 2,267 followers, TMCEC connects and shares conference highlights and relevant news articles. If you do not already, follow TMCEC on Facebook and Twitter (@TMCEC).

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TMCEC MISSION STATEMENT

To provide high quality judicial education, technical assistance, and the necessary resource materials to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

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