

TRIA

**TEXAS RIOGRANDE LEGAL AID
YOUTH GUIDE SERIES**

**Defending
AGAINST A
DISRUPTION
OF CLASSES
Charge**

**IN JUSTICE OF THE PEACE (JP)
OR MUNICIPAL COURT**

A GUIDE FOR YOUTH & PARENTS

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

In Texas, Disruption of Classes cases are heard in Justice of the Peace (JP) or municipal courts. These courts will *not* provide you with a free lawyer, but it is a good idea to bring your own lawyer to court. Disruption of Classes laws are complicated, and convictions have serious consequences. A conviction may become part of your *adult criminal record* and could be seen by potential employers and others.

Texas RioGrande Legal Aid, Inc. (TRLA) provides free legal assistance to students from low-income households. To apply for our services, call 1-888-988-9996. TRLA cannot accept all cases. Even if we cannot represent you, we may be able to provide you with advice that will help you to defend yourself in court.

When you are ticketed, *you and a parent* must appear in court. Never ignore an order to appear in court! A “no-show” can lead to an *automatic conviction* for Disruption of Classes **and** a second conviction for Failure to Appear. You can be fined for failing to appear, and once you turn 17, a judge may issue a warrant for your arrest. Take your Disruption of Classes charge seriously. This guide provides basic information to help you understand the law, your options, and defenses.

In this guide, you will find answers to the following questions:

- What is “Disruption of Classes?”
- What are some of my rights as a defendant (the person charged with a crime)?
- What are some of my options to fight the charge against me?
- How should I talk to a prosecutor (the lawyer for the State) or judge?
- What can happen if I plead guilty or no contest?
- How do I avoid a fine or court cost that I cannot afford to pay?

TRLA

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1) What is “Disruption of Classes?”

A Disruption of Classes charge is a Class C misdemeanor, the lowest level of crime in Texas. Even these low-level crimes can have serious consequences. The judge can order you to pay a *fine of up to \$500*. The judge can also ask you to pay court costs and complete a number of tasks.

You can get a Disruption of Classes charge for the same misbehavior that would land you in detention or in the principal’s office. Conduct that may lead to a Disruption of Classes charge includes cussing at school, talking back to your teacher, slamming the classroom door, and even smacking your gum. You can find the law for Disruption of Classes in the Texas Education Code under section 37.124. Your school’s Student Handbook/Student Code of Conduct should also provide guidelines for what is considered misbehavior while in school.

For the State to prove most types of Disruption of Classes charges against you, it must prove *beyond a reasonable doubt* all of the following:

A. You were not in the sixth grade or younger when you engaged in the “disruption of classes.”

B. You intentionally did the act you are accused of committing.

If your conduct was an accident, then you can argue that you did not behave intentionally.

C. The act was on school property or on public property within 500 feet of school property.

- *School Property* includes the campus, school grounds, and grounds or buildings a school uses for an assembly or other school-sponsored activity.
- *Public Property* includes a street, highway, alley, public park, or sidewalk.

D. You disrupted classes or other school activities.

The State must prove that you:

- Made a noise so loud that it prevented or hindered classroom instruction;
- Enticed or tried to attract a student away from a class or other required school activity;
- Prevented or tried to prevent a student from attending a class or other required school activity; OR
- Entered a classroom without the permission of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupted class activities,

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

Example: During class, a student said an insult about your sister. You get so mad that you flipped over a desk, making a bang. Your teacher presses charges against you for Disruption of Classes for making a loud noise that interfered with classroom instruction.

Example: You hear some gossip and want to tell your friend Cecilia, who is in a different classroom. You ask your teacher for a bathroom pass, sneak into the doorway of Cecilia's classroom, and whisper that she should leave class so that you can tell her something. Other students stop working on their assignments and pay attention to you instead. Cecilia's teacher presses charges against you for Disruption of Classes because: 1) You entered Cecilia's class without permission from her teacher or the principal and, through an act of misconduct, you disrupted class activities; and 2) You tried to entice Cecilia away from class.

2) What are some of my rights as a defendant (the person charged with a crime)?

- Right to be informed of the charges against you – It is a good idea to ask the clerk at the court for a copy of your case file *before* your court date so that you can be prepared.
- Right to be considered innocent until proven guilty beyond a reasonable doubt.
 - + To prove you are guilty, the State must present evidence to the court. You can ask the prosecutor to see that evidence *before* your hearing.
 - + Examples of "evidence" could include:
 - A statement from you admitting your guilt.
 - A witness statement saying you disrupted class.
 - A police report.
 - Video footage of the incident.

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

- Right to have an attorney represent you.
- Right to a trial by a jury or judge.
- Right to choose a plea – 1) not guilty; 2) guilty; or 3) no contest
 - + Not guilty – Pleading not guilty means you deny guilt, and that you want your right to a trial.
 - + Guilty or No Contest – By pleading guilty, you give up your right to a trial and accept the conviction. A NO CONTEST PLEA IS VERY SIMILAR TO A GUILTY PLEA, because both **result in a conviction on your adult criminal record.**

3) What are some ways I can win?

- The Disruption of Classes law does *not* apply to you if you were in the sixth grade or younger when you engaged in the “disruption of classes.”
- You did not do what the school says you did.
- What happened was an accident or beyond your control.

4) What should I do to defend myself in court?

Get organized! Follow the example the chart on pages 5 &6 and fill in the facts of your case. Ask yourself: 1) Can the State make its case against me by proving each part of the definition of Disruption of Classes? and 2) If so, do I have a defense?

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

Example: Making a noise so loud it hinders classroom instruction

The State must prove:	Facts of example case	Facts of <u>your</u> Case	Possible defenses in example case	Your possible defenses
1) You committed the act intentionally.	<p>My friend and I were chatting during my teacher's instructions. My teacher only told <i>me</i> to stop talking, so I asked why. He asked me to stop disrespecting him. I said <i>he</i> was being disrespectful. He stopped instructions, and he and I argued back and forth. My sarcastic comments made the class laugh.</p>		<p>I do not think I spoke loudly but, even if I did, I did not mean to do so.</p>	
2) The act was on school property or on public property within 500 feet of school property.				

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

The State must prove:	Facts of example case	Facts of <u>your</u> Case	Possible defenses in example case	<u>Your</u> possible defenses
<p>3) You: i) made a noise so loud it prevented or hindered classroom instruction; ii) enticed or tried to attract a student from a class or other required school activity; iii) prevented or tried to prevent a student from attending a class or other required school activity; OR iv) entered a classroom without the permission of either the principal or the teacher <i>and</i> disrupted class activities by misbehaving or using loud or profane language.</p>	<p>i) I was <i>not</i> speaking loudly. When we argued, I spoke at the same volume as always. ii) Does not apply in this example. iii) Does not apply in this example. iv) Does not apply in this example.</p>		<p>i) My friends can write a letter that I was not speaking louder than normal. ii) Does not apply in this example. iii) Does not apply in this example. iv) Does not apply in this example.</p>	

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

5) What are some of my options to fight the charge against me?

You can ask for a meeting with your principal to explain your side of the story and ask if he or she is willing to write a letter to the court or prosecutor to drop the charges against you. Take your parent with you. Make sure you let your school know if you have any defenses. ***If you speak with a school official about your case, BE POLITE. Always keep in mind that the school official could become a witness against you, so think carefully about what you want to say before your meeting. For advice about what statements may be self-incriminating (statements that you make to a witness that could later be used against you), contact TRLA.***

If your school does not agree to drop the charges and you believe you are innocent or have a good defense, plead **not guilty** at your court date and let the clerk at the court know you wish to speak with a prosecutor. Pleading not guilty means the court will set a date for trial in your case, but that does not necessarily mean you will go to trial.

Before your trial court date, you should talk with a prosecutor to ask if he or she will dismiss your case. Find out from the court clerk when prosecutors are available to meet with you. If you plan to talk to a prosecutor, then it is best to plead **not guilty**. You can always change your plea later if you want to make an agreement with the prosecutor.

6) What strategies can I use when talking with a prosecutor?

- Be polite, even if you disagree with the prosecutor. You will not help yourself if you argue or are rude.
- Remember to let the prosecutor know if you have any defenses.
- Prepare, in advance, what you are going to say. Keep your presentation short, and focus on the important facts. Be honest. Practice and get feedback.
- Present evidence to the prosecutor. For example, let him or her know if you have witnesses that prove your innocence.

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

7) What if the “victim” agrees that my case should be dropped?

A prosecutor may be willing to dismiss charges against you if the “victim,” often called the “complaining witness” (CW), agrees that the case against you should be dropped. In many Disruption of Classes cases, the CW is a teacher. Often, teachers are not aware of the serious consequences of receiving a ticket for Disruption of Classes, including financial costs to your family and an adult criminal conviction on your record that can lead to problems when you are making career decisions in the future. Consider politely talking with the teacher about these consequences.

If the CW agrees that you should not face charges for Disruption of Classes, politely ask him or her to sign a document called a Statement of Non-Prosecution saying so. If possible, get the Statement signed by a notary public, who you can usually find at a bank, lawyer’s office, or shipping center. **TRLA may be able to help you with that process if you are eligible for our services.** Even if you are not eligible, you may use the form in this guide. Be smart. If you ask the CW to sign the statement and he or she says “no,” calmly walk away and do not argue. *Never* threaten a CW. Doing so may result in a new charge against you!

A Statement of Non-Prosecution will likely help you, but a prosecutor does not have to dismiss your case. The prosecutor may double check that the CW agreed that the charges against you should be dropped, and then decide whether to dismiss.

8) How should I talk to a prosecutor (the lawyer for the State) or judge?

- *Speak Confidently* – Speak loudly enough to be heard. Look people in the eye.
- *Do Not Lie* – If you do not know the answer to a question, say “I don’t know.”
- *Be Respectful* – Address the judge as “Your Honor.” Use “sir” and “ma’am.”
- *Dress Appropriately* – Dress like you work in an office (Males: slacks and tucked-in shirts; Females: blouse and slacks or a dress or skirt to the knees).
- *Arrive Early* – Plan on having to find parking and the specific courtroom.

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

9) What can I bring to court to help my case?

Prosecutors will be more open to negotiate and judges will be more open to dismiss your case if it is the first time you have been charged with a crime or if you present evidence of your good character. For example, bring letters of support from a teacher, community leader or employer and copies of good grades and any awards. Also, tell the prosecutor or judge if the situation at school has changed in a way that will positively impact your behavior in the future. For example, you misbehaved in one class because you and that teacher could not get along with each other. You are well-behaved in every other class. If the principal moves you out of that teacher's classroom, bring a note from your school saying so.

10) What if my Disruption of Classes charge is related to a major issue in my life?

Explain that to a prosecutor or judge and bring proof, if possible. Examples include:

- You are a victim of bullying at school.
 - You are a survivor of domestic violence.
 - You are experiencing homelessness.
 - You have a disability or are receiving special education services.
- (See the TRLA guide called "Defending Children with Disabilities").

Just because one of these issues is relevant to your case does not mean a prosecutor or judge will choose to automatically dismiss your charge.

11) What if a prosecutor does not dismiss my case or makes me a bad offer?

You can go to trial. **For help, call TRLA at 1-888-988-9996. If you plan to ask TRLA for help, do so sooner rather than later. TRLA usually cannot help at the last minute.**

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

12) What can happen if I plead guilty or no contest?

- Fine up to \$500 – you have a right to ask the court to waive the fine and other costs if they would cause hardship to you.
- Court costs – these are separate from the fine.
- Requirement to perform community service
- Requirement to attend an anger management or other counseling program
- Deferred Disposition, which cannot extend past 180 days

13) What is Deferred Disposition?

If your case is not dismissed right away, the prosecutor might offer you “Deferred Disposition.” Deferred Disposition allows you to resolve your case without a final conviction on your record. It is a form of dismissal that first requires you to meet certain conditions like community service or payment of a fine. You will have a deadline to complete these conditions. ***If you complete the conditions, the judge dismisses your case. You may then say you were not convicted of the charge.*** (However, just because you do not have a conviction on your record does not mean the fact that you were charged with the crime will be off of your record. To erase all of the records relating to your charge, you have to apply to the court to get your records erased.)

Sometimes the court will give you extra time to complete the conditions of your Deferred Disposition. If you need extra time, you should ask the court for an extension *before* your deadline has passed. You may have to pay a fee for the extra time. If that happens, you can ask the court to waive the fee.

If you fail to complete the conditions, a judge must hold a hearing where you will have an opportunity to show good cause why you could not complete the conditions. The judge may decide to give you more time. If not, he or she may order a punishment (for example, a fine, community service, or both). You will then have a *final conviction on your adult criminal record.*

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

14) How do I avoid a fine or court cost I cannot afford to pay?

You may request a waiver of the fine, court cost, or both, by talking with a prosecutor or judge. To show that you cannot afford to pay, you can fill out and bring to court a [Request for Waiver of Fines and Costs](#) to show the prosecutor or judge. You may use the form included in this guide. You can also offer to perform community service instead of paying fines.

You should tell the prosecutor or judge if there are good reasons why you cannot pay a fine or court costs. Some good reasons might be that you or your family members:

- are unemployed or make minimum wage.
- have a health problem and need expensive medical care.
- have a lot of debt.

The court may allow you to pay at a later date or waive the fine or court costs if your family is unable to pay. If the court orders you to pay a fine or court cost and you do not pay, the court can treat your failure to pay as a violation of a court order. *If you still owe a fine when you turn 17, the court may issue an arrest warrant. **If that happens, you have options. Call TRLA at 1-888-988-9996.***

15) How do I avoid being ordered to do community service I cannot complete?

You should tell the prosecutor or judge if there are good reasons why you cannot complete community service. Some good reasons might be that:

- You do not have time because you care for your siblings or others.
- You do not have reliable transportation to get you to a community service site.
- You are currently involved in several extracurricular or volunteer activities, and community service would take away from the work you already do. (If so, bring in letters of support from an adult supervisor.)

16) If I am found guilty, can I get the conviction off of my record?

In many cases, you can clear your record. **For help, call TRLA at 1-888-988-9996.**

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE
IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT



**SAMPLE
FORMS**

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

STATE OF TEXAS §

COUNTY OF _____ §

STATEMENT OF NON-PROSECUTION

KNOW ALL BY THESE PRESENTS

That the undersigned person does hereby make the following Statement of Non-Prosecution in State of Texas vs. _____,

Cause No. _____ in _____ Court of _____ County, Texas, wherein Defendant is charged with Disruption of Classes under Texas Education Code Section 37.124.

"My name is _____, the complaining witness against the Defendant in this case. It is my wish that all charges in relation to these matters be dismissed and that there be no further action taken. I do not intend to pursue the prosecution of the Defendant. I desire and intend not to appear as a witness against Defendant in court pertaining to this matter. I ask that I not be subpoenaed to do so.

"I am not making this Statement to frustrate the ends of justice, nor have I been offered any benefit to testify falsely, to withhold testimony, or to avoid the legal process or any official legal proceedings.

"I am making this Affidavit voluntarily, of my own free will, free of any duress or coercion. If the charges against Defendant are dismissed, I will in no way disparage or complain of the District/County Attorney's office for failure to prosecute this case."

WITNESS MY HAND this _____ day of _____, 20__.

Complaining Witness

STATE OF TEXAS §

COUNTY OF _____ §

ACKNOWLEDGEMENT

BEFORE ME, the undersigned authority, on this day personally appeared _____ (Complaining Witness), known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20__.

Notary Public in and for the State of Texas

DEFENDING AGAINST A DISRUPTION OF CLASSES CHARGE

IN JUSTICE OF THE PEACE (JP) OR MUNICIPAL COURT

CASE NO. _____

STATE OF TEXAS

§
§
§
§
§
§
§

IN _____ COURT

[court name and number]

v.

OF

[your name]

_____ COUNTY, TEXAS

REQUEST FOR A WAIVER OF FINES AND COSTS

TO THE HONORABLE JUDGE OF SAID COURT:

My name is _____, my date of birth is _____,
my address is _____,

and I make this Request for a Waiver of Fines and Costs. This Court may waive fines and costs if it finds that I am indigent and discharging fines and costs would impose financial hardship on me. I am indigent, and I am unable to pay a fine or court costs.

I declare under penalty of perjury that the foregoing is true and correct.

I ask that the Court grant this request and waive all fines and court costs.

Executed in _____ County, State of _____,
on the _____ day of _____, 20____.

Respectfully,

[Your signature]
Declarant



TRLA

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YOUTH GUIDE SERIES

Texas RioGrande Legal Aid, Inc. (TRLA) is a non-profit organization that provides free legal services to low-income residents in 68 counties of Southwest Texas. The TRLA Youth Guide Series is an initiative of TRLA's Juvenile Justice Team and its School-to-Prison Pipeline Project (SPPP). The SPPP is supported by Equal Justice Works and the Texas Access to Justice Foundation. Please note that the TRLA Youth Guide Series is not meant as legal advice and the information it contains is subject to change as new laws are passed.

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