Texas Judicial Council Recommendations by Committee

June 29, 2018



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Civil Justice Committee

Charge

Study the Conference of Chief Justices' Civil Justice Initiative recommendations and the landscape of Texas civil justice; recommend necessary reforms to improve access to justice to the Texas courts.

Members

Honorable Sherry Radack, Chair Honorable Valencia Nash Representative John Smithee Honorable Vivian Torres Senator Judith Zaffirini Mr. Carlos Amaral

Mr. Kenneth Saks Mr. Evan Young

Civil Justice Committee Recommendations

Recommendation 1: The Legislature should seek to ensure that the judiciary is able to attract the best and brightest minds to promote a fair and experienced judiciary.

Recommendation 1a: The Legislature should consider alternatives to the current method of selection of judges by partisan elections.

Recommendation 1b: The Legislature should pass a joint resolution proposing a Constitutional amendment to modify the qualifications to serve as justices/judges as follows:

- o Eliminating or increasing the maximum age restrictions as a qualification to serve as a justice/judge and placing greater emphasis on years of experience.
- o Alternatively:
 - Raising the age to preside over statutory county courts and statutory probate courts from 25 to 30 years;
 - Requiring justices of the peace and municipal judges (not a court of record) to be at least 25 years old if the justice/judge is a licensed attorney or 30 years old if the justice/judge is not a licensed attorney; and
 - Requiring municipal judges (court of record) to have the same qualifications as a district judge.
- o Requiring justices of the peace in counties with a population exceeding 500,000 to be licensed attorneys.
- o Increasing the required number of years of service as a practicing attorney or judge to twelve years to serve as an appellate justice/judge and to eight years for a district judge.

Recommendation 1c: The Legislature should increase judicial compensation to an amount sufficient to "attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns." ¹

Recommendation 2: The Legislature should examine the structure and jurisdiction of the courts to increase efficiency.

Recommendation 2a: The Legislature should simplify the trial court structure by establishing consistent jurisdiction among the various trial courts across the state.

o The Legislature should increase the civil jurisdictional floor for district courts from \$200 to \$10,000.

¹ Govt. Code, Sec. 35.102(b)

- o The Legislature should increase the civil jurisdictional floor of the statutory county courts in Sec. 25.0003, Tex. Govt. Code from \$200 to \$5,000.
- o For counties with increased qualifications for justices of the peace to require being a practicing attorney, the Legislature should increase the maximum civil jurisdiction of the justice courts from \$10,000 to \$20,000.

Recommendation 2b: The Supreme Court should work with the courts of appeals to recommend to the Legislature simplification of the courts of appeals' structure in an effort to improve jurisprudence and reduce the need for transfer among the courts of appeals.

Recommendation 3: The Supreme Court should create by rule a business court for complex litigation.

Recommendation 3a: The Supreme Court should establish a pilot business court program to permit consideration of implementation details prior to statewide implementation.

Recommendation 3b: The business court should be a part of the existing court structure, and the Supreme Court should establish qualifications to determine who can be designated as a business court judge.

Recommendation 3c: The business court should hold proceedings regionally to ensure that parties throughout the state who have complex litigation have access to the court.

Recommendation 3d: Parties to complex litigation should be given the opportunity to opt-in to the business court.

Recommendation 3e: The business court should be provided sufficient resources to handle the complex litigation, including technology and staff attorneys.

Recommendation 4: The Supreme Court should amend the Rules of Civil Procedure (RCP) to improve case management practices.

Recommendation 4a: The Supreme Court should amend the RCP to require prompt service of process, with a mechanism for a prompt dismissal without prosecution for those who do not comply with the requirement.

Recommendation 4b: The Supreme Court should amend the RCP to restrict the use of citation by publication and require digital diligence to notify the defendant of the lawsuit. The Supreme Court should modify the RCP to permit service of process by social media when personal service is not possible.

Recommendation 4c: The Supreme Court should amend the RCP to require scheduling orders with deadlines, including trial dates.

Recommendation 4d: The Supreme Court should amend the RCP to expand alternative dispute resolution through opt-in short jury trials and mandatory

mediation for cases with low amounts in controversy and should initiate this change using a pilot project.

Recommendation 4e: The Office of Court Administration (OCA) should implement low-cost or free online dispute resolution throughout the state so that parties in civil matters may access the judicial system.

Recommendation 4f: The Supreme Court should amend the RCP to require automatic mandatory initial disclosures.

Recommendation 4g: The Supreme Court should amend the RCP to eliminate the pitfalls associated with unrepresented litigants responding to requests for admission that result in facts being admitted inadvertently.

Recommendation 5: The Supreme Court should amend the pleading requirements of the Rules of Civil Procedure (RCP) to improve access to justice.

Recommendation 5a: The Supreme Court should amend the RCP to require that petitions refer to a website where defendants can find information about how to obtain a lawyer or how to respond to the lawsuit.

Recommendation 5b: The Supreme Court should amend the RCP to require fact-based pleadings with statements of the evidence and with evidence to counter potential affirmative defenses.

Recommendation 6: The Supreme Court should amend the Rules of Judicial Administration to require trial courts to submit annual countywide plans reflecting how the courts will manage civil cases. These plans should be tailored for the individual jurisdiction but be based upon a template developed by the Office of Court Administration in consultation with trial judges.

Recommendation 7: The Office of Court Administration should provide resources to assist trial judges in managing civil cases.

Recommendation 7a: Working with trial judges and various stakeholders, the Office of Court Administration (OCA) should develop a set of template forms, checklists, and scheduling orders for use by trial judges.

Recommendation 7b: OCA should seek funding for staff or briefing attorneys that could serve as a resource for trial judges throughout the state.

Recommendation 8: Education for new and existing judges on court administration and case management processes should be improved for new and existing judges.

Recommendation 8a: The Office of Court Administration should develop a bench book(s) that covers the administrative responsibilities of a trial judge.

Recommendation 8b: In-depth education on the administrative responsibilities of a trial judge and case management best practices should be delivered to all newly-elected judges initially and to other trial judges regularly.

Recommendation 8c: Education on best practices for handling cases with self-represented litigants should be provided to all trial judges regularly.

Recommendation 8d: The Court of Criminal Appeals should convene annually a group of stakeholders representing all the judicial training entities to assess high-priority educational needs and plan how they can be met for all trial judges.

Recommendation 9: The Office of Court Administration should establish a statewide case management system (CMS) that can be used by trial courts to improve case processing.

Recommendation 9a: The CMS should include the capability for courts to assign cases to tracks that require differing levels of judicial attention.

Recommendation 9b: The CMS should include a dashboard with tools that judges can use to manage cases better.

Recommendation 9c: The CMS should include reporting tools to improve transparency regarding the movement of civil cases within the trial courts.

Recommendation 10: The state's trial courts should establish case management teams to assist in managing civil cases, and the Office of Court Administration should consider ways to assist trial courts in this effort.

Recommendation 11: The state's trial courts should increase the use of technology in the management of civil cases, including in the courtroom, and the Office of Court Administration should consider ways to assist trial courts in this effort.

Recommendation 12: The Legislature should clarify the unauthorized practice of law and barratry statutes to differentiate between providing legal information and legal advice.

Recommendation 12a: The Legislature should amend the unauthorized practice of law and barratry statutes to authorize legal assistance software applications that provide legal information.

Recommendation 13: The Supreme Court should amend the Canons of Judicial Conduct to allow judges to provide basic legal information and the sources for that information to self-represented litigants in civil cases.

Recommendation 14: The Office of Court Administration (OCA) should expand the resources available to self-represented litigants through the texascourthelp.gov website.

Recommendation 14a: Working with appropriate stakeholder groups, the OCA should increase the number of legal forms available for use by self-represented litigants.

Recommendation 14b: The OCA should provide an electronic method for courts to allow litigants to appear remotely when appropriate.

Recommendation 14c: The OCA should establish an electronic platform to connect self-represented litigants with attorneys (who are available for full- or limited-scope representation), mediators, and other legal services.

Recommendation 15: The Legislature should increase funding for civil legal aid services throughout the state.

Recommendation 16: The Office of Court Administration should implement these recommendations through pilot programs in various trial court jurisdictions throughout the state.

Criminal Justice Committee

Charges

Charge 1: Continue to evaluate and monitor implementations of the recommended pretrial bail reforms.

Charge 2: Study the impact of opioid drug use on the Texas judiciary and recommend any reforms necessary to curb the impact of opioid drug use in Texas.

Charge 3: Working in conjunction with the Governor's Criminal Justice Division and the Governor's Specialty Courts Advisory Council, review the need for assistance to the state's problem-solving courts and recommend any necessary reforms to improve the courts.

Charge 4: Oversee the study required by SB 47 regarding the public availability of fine-only criminal offense records and recommend any necessary reforms.

Members

Honorable Kelly Moore, Chair Senator Brandon Creighton Honorable Bill Gravell, Jr. Honorable Scott Jenkins Honorable Sharon Keller Representative Andrew Murr Mr. Carlos Amaral

Criminal Justice Committee Recommendations

Opioid Abuse and Dependency Crisis

Recommendation 1: The Legislature should establish a statewide Opioid Task Force to promote communication and collaboration between local and state leaders, experts, and advocates in confronting the opioid abuse and dependency epidemic as it crosses Texas.

Recommendation 2: The Judicial Council should collect relevant case level data from all court levels including magistrates, to generate more timely and detailed information to support policy, planning, management, and budget decisions for the justice system. The collection of the relevant case level data should be fully funded by the Legislature.

Pretrial Decisionmaking Processes

Recommendation 1: The Legislature should require defendants arrested for jailable misdemeanors and felonies to be assessed using a validated pretrial risk assessment prior to appearance before a magistrate under Article 15.17, Code of Criminal Procedure.

Recommendation 2: The Legislature should amend the Texas Constitution bail provision and related bail statutes to provide for a presumption of pretrial release through personal bond, leaving discretion with judges to utilize all existing forms of bail.

Recommendation 3: The Legislature should amend the Texas Constitution and enact related statutes to provide that defendants posing a high flight risk and/or high risk to community safety may be held in jail without bail pending trial after certain findings are made by a magistrate and a detention hearing is held.

Recommendation 4: The Legislature should provide funding to ensure that pretrial supervision is available to defendants released on a pretrial release bond so that those defendants are adequately supervised.

Recommendation 5: The Legislature should provide funding to ensure that magistrates making pretrial release decisions are adequately trained on evidence-based pretrial decisionmaking and appropriate supervision levels.

Recommendation 6: The Legislature should ensure that data on pretrial release decisions is collected and maintained for further review.

Recommendation 7: The Legislature should expressly authorize the Court of Criminal Appeals to adopt any necessary rules to implement the provisions enacted by the Legislature pursuant to these recommendations.

Recommendation 8: The Legislature should provide for a sufficient transition period to implement the provisions of these recommendations.

Specialty Court Oversight

Recommendation 1: The Legislature should amend Title 2, Subtitle K of the Government Code to provide the Judicial Branch with increased oversight of specialty courts.

Recommendation 2: The Legislature should appropriate funds to the Office of Court Administration for the development of a statewide specialty court case management system.

Firearms

Recommendation 1: The Legislature should direct the Office of Court Administration to develop a statewide case management system to assist with National Instant Criminal Background Check System (NICS) entry and transparency, and provide full funding for the system.

Data Committee

Charges

Charge 1: Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Charge 2: Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.

Charge 3: In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

Members

Honorable Bill Gravell, Chair Honorable Gary Bellair Honorable Scott Jenkins Honorable Sherry Radack Mr. Carlos Amaral

Ms. Sonia Clayton Ms. Ashley Johnson

Mr. Evan Young

Data Committee Recommendations

Continue to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Recommendation 1: The Judicial Council should collect case level data from all courts and should expand the collection of data from magistrates. The data should be relevant to supporting policy, planning, management, and budget decisions for the justice system, the judiciary, and other policy makers.

Recommendation 2: Once case level reporting has been implemented, the Legislature should repeal the various statutes requiring information that can be obtained by case level reporting.

Recommendation 3: The Legislature should direct the Office of Court Administration to develop a statewide case management system to improve the collection and facilitate the use of data; the Legislature should provide full funding for the system.

Recommendation 4: The Legislature should direct requests for collection of judicial statistics, including court activity data, to the Texas Judicial Council to study and determine the best way to collect the desired information under its authority established by Section 71.035 of the Government Code.

Recommendation 5: The Judicial Council should establish policies for addressing jurisdictions that are not in compliance with reporting requirements.

Recommendation 6: The Judicial Council should adopt monthly reporting requirements for the appellate courts.

Recommendation 7: The Legislature should amend statutes concerning reporting of mental health/intellectual disability assessments and competency evaluation reports.

Recommendation 8: The Judicial Council should develop procedures for the mandatory, regular, and systematized collection of work-related contact information for judges, including email addresses.

Evaluate and recommend activity reporting components for the Regional Presiding Judges pursuant to the new requirement in SB 1893.

No recommendations. This task was completed in December 2017.

In conjunction with the Criminal Justice Committee and Mental Health Committee (SB 1326 provisions), evaluate the need to collect activity data from the specialty courts and recommend any data elements for collection.

No recommendations. The council's Criminal Justice Committee is making recommendations regarding specialty courts.

Guardianship, Mental Health, and Intellectual/Developmental Disability Committee

Charges

Charge 1: Review reforms enacted by the 85th Legislature impacting the judiciary, monitor their implementation, and consider additional reforms to improve the ways that courts interact with individuals with a mental health condition or an intellectual or developmental disability.

Charge 2: Review guardianship reforms enacted by the 85th Legislature, monitor the implementation of those reforms, and consider additional reforms to improve the ways that courts interact with individuals in need of guardianship.

Members

Honorable Bill Boyce, Chair Honorable Kelly Moore Representative Andy Murr Honorable Polly Spencer Senator Judith Zaffirini Ms. Allyson Ho Mr. Kenneth Saks

Advisory Members

Judge Susan Redford, (Ret.), Judicial Program Manager, Texas Association of Counties
Judge Barbara Hervey, Court of Criminal Appeals
Dr. William B. Schnapp, Associate Professor Clinical Psychology
Beth Ann Lawson, StarCare Specialty Health System
Adrienne Kennedy, National Alliance for Mental Illness
Toby Fabelo, Council of State Governments Justice Center
Hon. Harriett O'Neill, Law Office of Harriet O'Neill
The Meadows Mental Health Policy Institute has volunteered to provide assistance to the Council and this committee.

Guardianship, Mental Health, and Intellectual/Developmental Disability Committee Recommendations

Refinements to Mental Health Legislation Passed During 85th Legislature

Recommendation 1: The Legislature should clarify the meaning of "assessment" under Code of Criminal Procedure Article 16.22.

Recommendation 2: The Legislature should amend Health and Safety Code Section 614.0032(b) to authorize the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make available an electronic form for use by qualified persons in connection with mental health reporting results under Code of Criminal Procedure Article 16.22. The Legislature should make this form confidential by law.

Recommendation 3: The Legislature should amend Code of Criminal Procedure Article 16.22's monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts.

New Legislative Proposals

Recommendation 1: The Legislature should amend Code of Criminal Procedure Article 42.09 Section 8 to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison.

Recommendation 2: The Legislature should amend Government Code Section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code.

Recommendation 3: The Legislature should create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts.

Recommendation 4: The Legislature should expand the Office of Court Administration's Guardianship Compliance Project to be a statewide program.

Recommendations from Chapter 574 Working Group

Recommendation 1: The Legislature should clarify Health and Safety Code Section 574.034(b)'s standard for court-ordered temporary outpatient mental health services.

Recommendation 2: The Legislature should create a new provision in Title 7, Subchapter E of the Health and Safety Code covering transfer from inpatient to outpatient treatment.

Recommendation 3: The Legislature should ensure that the provision addressing status hearings for noncompliance in Health and Safety Code Section 574.037(c-2) is clear, and should move the provision to Title 7, Subchapter E.

Recommendation 4: The Legislature should amend Chapter 574 of the Health and Safety Code to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities, and to pay for medication upon discharge.

Recommendation 5: The Legislature should modify Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for Class B misdemeanor defendants.

Recommendation 6: Judges should receive additional education on standards and procedures for court-ordered outpatient mental health services.

Recommendation 7: The Legislature should provide additional funding for community mental health services, including outpatient mental health services.

Juvenile Justice Committee

Charges

Charge 1: Consider best practices and necessary reforms to the juvenile justice system to improve the adjudication of delinquent conduct cases.

Charge 2: Oversee the study required by HB 1204 regarding the use of the terms child, minor, and juvenile in statute for fine-only offenses and the adjudication of those offenses; recommend any necessary reforms to improve the adjudication of those offenses.

Members

Honorable Valencia Nash, Chair Senator Brandon Creighton Honorable Polly Spencer Honorable Edward Spillane, III Honorable Vivian Torres Ms. Ashley Johnson Mr. Kenneth Saks

Advisory Members

Darlene Byrne, Judge, 126th District Court, Travis Co.
Deborah Fowler, Executive Director, Texas Appleseed
Dr. Stephanie McVea, LPC, Zenith Child and Family Wellness Center
Dr. Terry Smith, Chief Juvenile Probation Officer, Dallas Co.
Elizabeth Henneke, Executive Director, Lone Star Justice Alliance
Jill Mata, General Counsel, Texas Juvenile Justice Department
Laura Angelini, General Administrative Counsel, Bexar County Juvenile District Courts
Laura Parker, Senior District Judge, Bexar County
Lauren Rose, Director of Youth Justice Policy, Texans Care for Children
Michele Deitch, Adjunct Professor, LBJ School and UT Law School
Michael Schneider, Judge, 315th District Court, Harris Co.
Michael Turner, Director of State Programs and Services, Texas Juvenile Justice Department
Ryan Turner, TMCEC
Patricia Cummings, Attorney, Cummings Law
Rhonda Hurley, Judge, 98th District Court, Travis Co.

Riley Shaw, Assistant Criminal District Attorney, Tarrant Co.

Juvenile Justice Committee Summary Recommendations

Addressing the Needs of Youth in Class C Matters

Recommendation 1: The Legislature should amend current law to allow for the handling of youth charged with Class C/fine-only offenses as a civil matter in the state's justice and municipal courts.

Recommendation 2: The Legislature should amend the Code of Criminal Procedure to clarify and expand the role and use of juvenile case managers, to include the use of regional juvenile case managers, as needed.

Recommendation 3: The Office of Court Administration should develop best practice materials and related resources regarding juvenile diversion and other alternative disposition programs and make them available on its website.

Addressing the Needs of Dually-Involved Youth

Recommendation 1: The Legislature should modify the data-sharing provisions of HB 932 (2017) and HB 1521 (2017) and require the automatic exchange of information between the Texas Juvenile Justice Department and the Department of Family and Protective Services.

Recommendation 2: The Supreme Court Children's Commission should convene a task force to study and report on issues relating to youth with involvement in the juvenile justice and child welfare systems. The task force should establish a common, statewide definition(s) for the population, identify resources needed to meet the needs of youth who are dually-involved, and make other recommendations as may be necessary to improve outcomes for dually-involved youth. The report should address training needs for judges and other necessary parties on handling cases involving youth involved in both systems.

Recommendation 3: The Legislature should revise the Texas Family Code and the Texas Government Code to expand the jurisdiction of Children's Courts to oversee cases involving dually-involved youth.

Recommendation 4: The Legislature should revise the Texas Family Code to allow for the transfer of venue of a juvenile case from a court exercising juvenile jurisdiction to the court with venue over a youth's child welfare case.

Supporting Reforms Impacting Youth in State Custody

Recommendation 1: The Legislature should ensure that the Texas Juvenile Justice Department has sufficient flexibility to determine the appropriate placement of and treatment for youth committed to its custody.

Recommendation 2: The Legislature should clarify that the validated risk and needs assessment juvenile probation departments are required to use must be used before every disposition, including non-judicial dispositions, such as deferred prosecution.

Recommendation 3: The Legislature should provide additional funds to local governments for diversionary and other intervention programs designed to ensure youth do not penetrate the juvenile justice system more deeply than risk and need dictate, and for rehabilitation programs for those youth on probation, in post-adjudication placement, and committed to the Texas Juvenile Justice Department.

Recommendation 4: Juvenile court judges should be offered additional training related to child and adolescent development and best practices in juvenile case adjudication and disposition.

Public Trust & Confidence Committee

Charge

Review the 1998 Public Trust and Confidence in the Texas Courts Study and the NCSC State of State Courts reports, consider updating or replicating the studies, and recommend any necessary reforms to improve public trust and confidence in the Texas judiciary.

Members

Honorable Edward Spillane, Chair Honorable Gary Bellair Honorable Bill Boyce Honorable Bill Gravell Representative John Smithee Senator Judith Zaffirini Ms. Sonia Clayton Ms. Allyson Ho

Public Trust & Confidence Committee Recommendations

Improving the Judiciary's Response to Disaster Emergencies

Recommendation 1: The Legislature should amend Government Code Sec. 22.0035(b) to permit the Supreme Court the discretion to issue orders modifying or suspending court procedures up to 60 or 90 days for an initial emergency order and/or renewals rather than the 30 day time limit that is currently in statute. The statute should also be amended to allow the Chief Justice to authorize renewals of emergency orders without seeking a full vote of the court for each renewal.

Recommendation 2: The Legislature should amend Local Government Code Sec. 292.001 to assist justice courts in times of disaster and provide them a regional source to turn to, such as the regional presiding judge, when they need the authority to operate in another precinct or county during a time of disaster. *See* Texas Government Code Sec. 24.033 as a potential model.

Recommendation 3: The Legislature should amend Government Code Secs. 24.003, 25.0019, and 26.009 to allow the presiding judge of the region to designate an alternate location for proceedings that is outside of the district or county during times of an emergency.

Recommendation 4: The Legislature should explicitly authorize the district courts to hold court outside of the county seat at a facility designated for that purpose by Local Government Code Sec. 292.001 even when there is not an emergency.

Sexual Harassment Training

Recommendation 1: All judges should receive training on sexual harassment and other rules and procedures concerning human resources. The training should be provided as part of a judge's initial training requirements and at least every two years thereafter.

Recommendation 2: The Texas Judicial Council should create a task force to study and address the issue of sexual harassment in the Judiciary.

State Commission on Judicial Conduct

Recommendation 1: The Legislature should require the State Commission on Judicial Conduct's annual report to include the number of complaints that have been deferred pending criminal investigation and the number of complaints referred to law enforcement.

Recommendation 2: The Legislature should require the State Commission on Judicial Conduct to include on its website an index of pending cases by case number that includes the current status of each case and the age of each pending case.

Recommendation 3: The Legislature should require the State Commission on Judicial Conduct to post simple directions on its website with instructions on how to file a complaint and map out in clear and concise detail how a complaint makes its ways through the process from filing to resolution.

Court Security

Recommendation 1: The Legislature should amend relevant statutes to keep a judge's home address confidential on campaign and ethics filing records.

Recommendation 2: The Legislature should require the Department of Motor Vehicles to maintain the confidentiality of license plate and vehicle information for each judge and judge's spouse.

Recommendation 3: The Legislature should continue to provide resources to the Court Security Division of the Office of Court Administration to maintain and comply with requirements of the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

Recusal

Recommendation 1: The Supreme Court should amend the Texas Rules of Civil Procedure to create a presumption against recusal for contribution reasons as long as a judge has complied with the Judicial Campaign and Fairness Act's contribution levels.

Community Engagement

Recommendation 1: The Judicial Council and other judicial entities should continue to seek opportunities to improve the judiciary's engagement with the community, which should include hosting summits, developing materials for judges on model judicial outreach in communities, and producing materials on civic education.