

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
PRE-EMPLOYMENT REVIEWS

DBAA
(LOCAL)

**Disqualifying
Offenses**

The District shall obtain criminal history record information on final candidates for employment and all current employees by notification from Department of Public Safety, Federal Bureau of Investigation, self-disclosures, and/or from the public ~~on an annual basis~~. All District positions have the potential for contact with students. The District shall disqualify from employment a person whose criminal history indicates that the person poses a threat to students or employees. Consistent with business necessity, the District shall also disqualify from employment a person whose criminal history is otherwise inconsistent with the job duties of the position for which the person is being considered.

**Individualized
Assessment**

The District shall perform an individualized assessment of criminal history record information when determining a person's eligibility for employment or continued employment in a specific position. The District shall take into account a variety of factors, including the following:

- The nature of the offense;
- The age of the person when the crime was committed;
- The date of the offense and how much time has elapsed;
- The adjudication of the offense (e.g., whether the person was found guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication);
- The nature and responsibilities of the job sought;
- The accuracy of the person's disclosure of ~~his or her~~ their criminal history during the selection process;
- The effect of the conduct on the overall educational environment;
- Whether the offense under the current penal code would be the same degree of offense;
- Any further information provided by the person concerning ~~his or her~~ their criminal history record; and
- Any other information obtained by the District regarding the applicant's/employee's criminal history record.

Arrests

The fact of an arrest alone does not establish that criminal conduct has occurred, and the District shall not disqualify a person based solely on an arrest. The District may make an employment decision based on the conduct underlying the arrest if the conduct makes the person unfit for the position in question.

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Credit History

The District shall obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered. The District shall comply with the Fair Credit Reporting Act before obtaining a job-related credit history. [See DBAA(LEGAL)]

**Offenses for Which
Exclusion Is Likely**

A record of certain offenses carries a high likelihood that the District will exclude the individual from employment.

Title V, Texas Penal
Code

Persons whose criminal history record shows convictions or pleas of guilty or nolo contendere for offenses under Title V, Texas Penal Code, and specifically offenses requiring registration as a sex offender, (or equivalent offenses under the laws of other states and federal law), and at the time the offenses occurred, the victim of the offense was under 18 years of age or was enrolled in a public school, are presumptively disqualified from employment with the District. Subject to an individualized assessment, the following offenses will likely preclude employment with the District. These offenses include but are not limited to:

- Murder;
- Capital murder;
- Manslaughter;
- Criminally negligent homicide;
- Kidnapping;
- Aggravated kidnapping;
- Smuggling of persons;
- Trafficking of persons;
- Continuous trafficking of persons;
- Continuous sexual abuse of young child or children;
- Indecency with a child;
- Improper relationship between educator and student;
- Sexual assault;
- Aggravated assault;
- Injury to a child, elderly individual, or disabled individual; and
- Abandoning or endangering a child.

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Non-Title V, Texas
Penal Code

Subject to an individualized assessment, the following non-Title V, Texas Penal Code offenses are also presumptively disqualifying [for persons whose criminal history record shows convictions or pleas of guilty or nolo contendere](#):

- Aggravated robbery;
- Any felony where a deadly weapon was used or exhibited;
and
- Any felony related to the manufacture, delivery, or possession of marijuana, a controlled substance, or a dangerous drug, except that any person charged and convicted of felony possession of marijuana, which under current law would be a misdemeanor, shall be considered to have a misdemeanor conviction under this policy.