

**Criminal History
Limitations**

Because such criminal history indicates that an individual reasonably poses a threat to students or other employees, the District shall not employ an applicant who has been determined to have the following criminal history:

1. The applicant has a conviction of any felony offense within the last ten years.
2. The applicant has a conviction of any Class A misdemeanor within the last five years.
3. The applicant has a conviction of any Class B or C misdemeanor involving offenses of moral turpitude within the last three years. For purposes of this policy, "moral turpitude" shall be defined as improper conduct including but not limited to:
 - Dishonesty, fraud, deceit, theft, or misrepresentation;
 - Deliberate violence;
 - Base, vile, or depraved acts that are intended to arouse or to gratify the sexual desire of the actor;
 - Drug- or alcohol-related offenses; or
 - Acts constituting abuse or neglect under the Texas Family Code.

Examples of such offenses include but are not limited to: forgery, theft in excess of \$500, swindling, simple assault, gambling, and convictions involving public intoxication, operating a motor vehicle while under the influence, or disorderly conduct.

4. The applicant is currently on probation for any of the offenses listed in items one and two, above.

**Individualized
Assessment**

Applicants who have been charged with any of the criminal offenses listed above and who have had such convictions dismissed through deferred adjudication in a lesser time frame than is described above shall be considered for employment, except when the charge was for:

- Capital murder;
- Murder;
- Voluntary or involuntary manslaughter;
- Indecency with a child;
- Injury to a child or elderly or disabled person;
- Aggravated kidnapping;

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- Kidnapping;
- Aggravated sexual assault;
- Sexual assault;
- Sexual assault of a child;
- Aggravated robbery;
- Any felony where a deadly weapon was used or exhibited; or
- Any felony related to the manufacture or delivery of any controlled substance or dangerous drug.

All other employment decisions related to applicants and employees with a criminal history shall be made on an individualized, case-by-case basis in accordance with administrative regulations developed by the Superintendent or designee.

Arrests

By itself, an arrest does not establish that the alleged criminal conduct occurred, and no person shall be disqualified from District employment solely on the basis of an arrest. However, the District may make an employment decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question.