

**CHARTER SCHOOL BOARD POLICY MANUAL**  
**POLICY GROUP 4 – PERSONNEL**  
**PROHIBITED EMPLOYMENT FOR INDIVIDUALS**  
**CONVICTED OF CERTAIN OFFENSES**

PG-4.2.1

**Disqualification from Employment**

In accordance with Texas Education Code section 12.120 and 19 TAC section 100.1151, an individual may not be employed by JUBILEE ACADEMIC CENTER (“School”) if he or she:

- Has been convicted of any felony or a misdemeanor involving moral turpitude;
- Has been convicted of any offense listed in Education Code section 37.007(a); or
- Has been convicted of an offense listed in the Code of Criminal Procedure section 62.001(5).

Additionally, in accordance with Texas Education Code section 22.085, the School shall discharge or refuse to hire an employee or applicant if the individual’s criminal history information shows that:

- (1) The employee or applicant has been convicted of:
  - (a) A felony offense under Title 5, Penal Code;
  - (b) An offense on conviction of which the employee or applicant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or
  - (c) An offense under the laws of another state that is equivalent to an offense under paragraphs (a) or (b) above; and
- (2) At the time the offense occurred, the victim of the offense was under 18 years of age or enrolled in a public school.

The School may discharge an employee if it obtains information of the employee’s conviction of any felony or a misdemeanor involving moral turpitude that the employee did not disclose to the School or the State Board of Educator Certification (“SBEC”).

**Discrimination Based on Criminal History**

Except as required by state or federal law, the School does not prohibit employment or refuse to consider an application for employment solely on the grounds that an applicant/employee has a prior criminal record. The School does not prohibit employment or refuse to consider an application for employment based solely on the grounds that the applicant/employee has been arrested. In accordance with Title VII of the Civil Rights Act of 1964, it is the policy of the School, prior to any exclusion of an applicant for employment or continued employment of an employee that has a criminal record, to conduct an individualized assessment of the criminal conduct at issue. In conducting such an assessment, the School shall carefully consider the following in order to determine that any exclusion based on criminal conduct is job related to the position in question and consistent with the business necessity of the school:

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- The nature and gravity of the offense or offenses;
- The time that has passed since the conviction and/or completion of the sentence;
- The nature of the job held or sought.

Upon consideration of the above factors, the Superintendent or designee shall inform the applicant/employee that he or she may be excluded because of prior criminal conduct and provide the individual an opportunity to demonstrate that the exclusion does not properly apply to him or her and the position in question. The School shall consider the additional information provided by the applicant/employee that demonstrates that the criminal conduct is not job related and is consistent with business necessity of the school prior to making any final determination. Such additional information may include:

- The facts or circumstances surrounding the offense or conduct;
- The number of offenses for which the individual was convicted;
- Age at the time of conviction, or release from prison;
- Evidence that the individual performed the same type of work, post conviction, with the same or a different employer, with no known incidents of criminal conduct;
- The length and consistency of employment history before and after the offense;
- Rehabilitation efforts, e.g., education/training;
- Employment or character references regarding fitness for the particular position;
- Whether the individual is bonded under a federal, state or local bonding program.