

Heritage Academy BOARD POLICY MANUAL
POLICY GROUP 4 – PERSONNEL
PROHIBITED EMPLOYMENT FOR INDIVIDUALS
CONVICTED OF CERTAIN OFFENSES

PG-4.2.2

Disqualification from Employment

In accordance with Texas Education Code section 12.120 and 19 Administrative Code section 100.1151, an individual may not be employed by Heritage Academy if he or she:

1. Has been convicted of any felony or a misdemeanor involving moral turpitude;
2. Has been convicted of any offense listed in Education Code section 37.007(a); or
3. 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, Heritage Academy 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.

However, Heritage Academy is not required to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5 Penal Code and:

1. The date of the offense is more than 30 years before:
 - a) June 15, 2007 in the case of a person employed by Heritage Academy as of that date; or
 - b) The date the person's employment will begin, in the case of a person applying for employment with Heritage Academy after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

Heritage Academy 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 Heritage Academy or the State Board of Educator Certification ("SBEC").

Discrimination Based on Criminal History

Except as required by state or federal law, Heritage Academy does not prohibit employment or refuse to consider an application for employment solely on the grounds

Heritage Academy BOARD POLICY MANUAL
POLICY GROUP 4 – PERSONNEL
PROHIBITED EMPLOYMENT FOR INDIVIDUALS
CONVICTED OF CERTAIN OFFENSES

PG-4.2.2

that an applicant/employee has a prior criminal record. Heritage Academy 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 Heritage Academy, 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, Heritage Academy 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 Heritage Academy:

- 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. Heritage Academy 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 Heritage Academy 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.