

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

DBAA
(LOCAL)

DISQUALIFYING
OFFENSES

The ESC shall obtain criminal history record information on the final candidate(s) for employment. All ESC positions have the potential for contact with students. The ESC 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 ESC 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 ESC shall perform an individualized assessment of criminal history record information when determining a person's eligibility for employment in a specific position. The ESC shall take into account a variety of factors, including the following:

1. The nature of the offense;
2. The age of the person when the crime was committed;
3. The date of the offense and how much time has elapsed;
4. 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);
5. The nature and responsibilities of the job sought;
6. The accuracy of the person's disclosure of his or her criminal history during the selection process;
7. The effect of the conduct on the overall educational environment; and
8. Any further information provided by the person concerning his or her criminal history record.

ARREST

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

SBEC NOTIFICATION

If a candidate for a position has a reported criminal history, and the candidate is certified by the State Board for Educator Certification (SBEC), the ESC shall report the criminal history to SBEC.

CREDIT HISTORY |

The ESC ~~shall~~ may 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 ESC shall comply with the Fair Credit Reporting Act before obtaining a job-related credit history. [See DBAA(LEGAL)]