

Exhibit IV.1 “Blacklisted Employees”

In response to questions from the Special Master, the District provided the following response:

The District does not maintain a “blacklist” as that term is generally used, and as it is defined in the law. The District’s personnel records contain a field that indicates whether a former employee is eligible for rehire. This field is only filled in when employment with the District is terminated. The use of a “not eligible for rehire” status is common among most large employers, and simplifies decision-making when a former employee seeks to renew employment with the employer.

In the fall of 2017, the District did an audit of records of all former employees whose status was listed as “not eligible for rehire.” The District found a number of employees for whom sufficient documentation to support the status was not available. Accordingly, the District removed the “not eligible for rehire” status for all former employees unless documentation showed that (a) the prior employment had been terminated for cause, or (b) that the employee had voluntarily resigned to avoid an investigation of an alleged employees whose “not eligible for rehire” status had been changed as a result of the audit, for whom the District had contact information, informing the former employees that they were in good standing and encouraging them to apply for positions at the TUSD. This email was sent twice: once in November, 2017, and then again in January, 2018. The text of the e-mail is attached.

It is very unlikely that these employees would provide an “extremely useful pool” from which to improve teacher diversity, as the Mendoza Plaintiffs speculate. First, although the District has not broken down these employees by race, ethnicity, or gender, there is no reason to assume that there is an especially large share of minority teachers or administrators. Second, these former employees include all different positions, and only a relatively small number are

teachers or administrators. Third, all of these former employees by definition have already once chosen to leave the District. Further, most of the former employees whose status was changed have not been employed by the District for a number of years. Finally, there has not been a noticeable increase in former employee applicants following the sending of these e-mails.