



WALSH GALLEGOS  
KYLE ROBINSON & ROALSON P.C.

April 11, 2024

**Via email transmission**

William A. Brewer III  
Brewer Store Front PLLC  
1717 Main Street, Suite 5900  
Dallas, Texas 75201

Re: New Braunfels Independent School District Voting Rights Act Complaint

**COMMUNICATION PURSUANT TO RULE 408**

Dear Bill:

The New Braunfels Independent School District (New Braunfels ISD or the District) is in receipt of your correspondence dated March 6, 2024, regarding alleged violations of the Voting Rights Act (VRA). We represent New Braunfels ISD in connection with your correspondence and the concerns you raise therein. Please direct further correspondence on this matter to me.

Given our previous interactions, we know you are aware of the requirements to maintain a successful lawsuit under the VRA. Your correspondence, however, does not provide the District with any information that leads it to believe that the District's current voting system, which already consists of five single-member districts, runs afoul of the VRA or that you can otherwise meet your burden under *Thornburg v. Gingles*. Instead, you state "there are no Hispanic trustees on the seven-member board" even though "48% of NBISD students are Hispanic."

The VRA, however, specifically states that it does not "establish[] a right to have members of a protected class elected in numbers equal to their proportion in the population." *See* 52 U.S.C. § 10301(b). Nevertheless, this seems to be the tenor of your letter and basis of your request for New Braunfels ISD to "[a]dopt a single-member district election system" even though the District already elects members of the Board of Trustees in this manner. The fact that the District already employs a single-member district election system reflects the Board's commitment to ensuring representation from across the District, regardless of race or ethnicity.

With that said, the New Braunfels ISD Board of Trustees makes decisions based on data and, as such, we ask that you provide any data you have that shows the District's current single-member district election system violates the VRA and that you withhold on filing litigation, so that the Board has adequate time to review this information. If Brewer Storefront PLLC insists on pursuing a lawsuit against the District at this time, however, please know that we will move to stay the litigation given the current split in Circuit Courts on whether the VRA confers a private right

of action.<sup>1</sup>

Finally, we want to address your contention regarding the District's May elections. The current May election cycle for New Braunfels ISD complies with section 11.0581(a) of the Texas Education Code and coincides with the elections held by the City of New Braunfels and the Comal County Appraisal District Board. More importantly, we are not aware of any authority reflecting that the VRA offers an avenue of relief for a plaintiff to require that any governmental entity change its election date that otherwise complies with state law.

The New Braunfels ISD Board of Trustees remains committed to encouraging all of its eligible voters to participate in electing Board members and remains committed to providing every student in the District a quality education regardless of the student's race or ethnicity.

Very truly yours,



Meredith Prykryl Walker

cc (via email transmission):

Laurelyn Arterbury  
New Braunfels ISD Board of Trustees

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<sup>1</sup> Our understanding is that you represent the plaintiff in *Shafer v. Pearland Indep. Sch. Dist.*, which the United States District Court for the Southern District of Texas recently stayed. In addition, *Elizondo v. Spring Branch Indep. Sch. Dist.*, Case No. 4:21-cv-01997, is currently stayed pending the resolution of the Circuit Court split.