



March 6, 2024

VIA MAIL

Melody Fowler
Board President
Arlington Independent School District Board of Trustees
Arlington Independent School District
690 E. Lamar Blvd.
Arlington, TX 76011
fowler.aisd@gmail.com

Re: Complaint Regarding Arlington Independent School District's Violation of the Voting Rights Act and the Use of Off-Cycle Elections

Dear Ms. Fowler,

The Brewer Storefront (“Storefront”) is the community-service affiliate of Brewer, Attorneys & Counselors. The Storefront is committed to ensuring that Texas school districts implement voting systems that comply with the Voting Rights Act of 1965 (“VRA”).¹

A. The Problem

After an examination of Arlington Independent School District (“AISD”), we conclude that AISD’s use of an at-large election system and the “off cycle” timing of May school board elections violate Section 2 of the VRA. The VRA prohibits any standard practice or procedure that results in the denial or abridgement of the right of minorities to vote. Specifically, it forbids any electoral system that denies voters of color an equal opportunity to elect candidates of their choice. Voters of color include Hispanics, African Americans, Asians or other minority groups.

AISD’s Board of Trustees does not represent the community. There are no African American representatives on the Board of Trustees. Even though voters of color make up the majority of the school district’s citizen voting age population (“CVAP”) and AISD’s student enrollment is more than 83% non-white, the seven-member board of trustees consists of six white members and one minority Hispanic trustee. Considering the school district’s CVAP figures and our demographic expert’s analysis, most of the trustees—four out of seven— should be minorities.

¹ The Storefront has a winning track record pursuing Voting Rights Act cases and securing victories for Plaintiffs in Lewisville Independent School District (2023), Richardson Independent School District (2019), Carrollton-Farmers Branch Independent School District (2015), the City of Grand Prairie (2015), Irving Independent School District (2014), Grand Prairie Independent School District (2014), City of Farmers Branch (2012), and the City of Irving (2009). As a result of the Storefront’s advocacy these school districts and city councils have implemented changes to their voting systems.

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Given this lack of minority representation on the Board, it is not surprising that significant achievement gaps exist between white and Hispanic and African American students. On the 2023 STAAR exams, about 61% of white students met grade level compared to about 34% of Hispanic students and 31% of African American students who met grade level.

AISD's use of an at-large election system denies minority voters an equal opportunity to elect candidates of their choice. AISD's past elections provide evidence of the challenges minority candidates face when they run for the AISD board. For example, in the May 6, 2023, election, four minority candidates ran for Place 7 and lost to a white candidate. Kathi Arocha, a Latina candidate, and three African American candidates—Bridgett Davis, Corliss Bunkley and Watson Robinson Jr.—were unsuccessful in the six-way race for the board. Additionally, in the same election, another African American candidate, Sinsey Johnson, ran for Place 6 in a three-way race but lost to a white candidate. Moreover, in the 2022 election, again, two African American female candidates, Daphne Jackson and Anita Scott, ran for Place 4 and lost to a white male candidate.

Furthermore, minorities' right to vote is compromised by AISD scheduling elections in May. Holding elections in May effectively diminishes voter turnout among minorities due to a lack of awareness, decreased voter engagement during this time, and conflicting priorities. The effect of such practices is a violation of the VRA and the fundamental constitutional right to vote protected under the Fourteenth and Fifteenth Amendments of the United States Constitution.

B. The Solution

The Storefront requests that AISD's board take immediate corrective measures to rectify violations of the VRA and U.S. Constitutional Amendments with the following actions:

- (a) Adopt a single-member district election system that includes at least four opportunity districts for minority voters, including one majority Hispanic CVAP district and one majority African American CVAP district. Opportunity districts are those in which more than 50 % of the CVAP are minorities based on the most recent Census American Community Survey ("ACS") data;
- (b) Move school board elections to November to coincide with the November general election date on the first Tuesday after the first Monday in November; and
- (c) Initiate immediate outreach efforts to inform all voters, especially minority voters, about election dates, candidates, and voting procedures.

C. Conclusion

The Storefront requests a response within seven business days outlining your intended actions. The Storefront offers a cooperative effort to establish fair elections that uphold democratic principles and safeguard voting rights.

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Sincerely,

/s/ William A. Brewer III
William A. Brewer III

Brewer Storefront PLLC