



B R E W E R
S T O R E F R O N T

March 6, 2024

VIA MAIL

Gerald Brooks
President
Texarkana Independent School District Board of Trustees
Texarkana Independent School District
4241 Summerhill Road
Texarkana, TX 75503

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

Dear Mr. Brooks,

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 Texarkana Independent School District ("TISD"), we conclude that TISD's 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.

TISD's Board of Trustees does not represent the community. African Americans are underrepresented on the seven-member board and there are no Hispanic representatives. The board of trustees consists of six white trustees and one African American trustee, even though African American voters comprise about 43% of the school district's citizen voting age population ("CVAP") and about 45% of TISD students are African American. Based on the school district's population there should be at least three African Americans on the board.

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 African American students. On the 2023 STAAR exams, 66% of white students in comparison to approximately 23% of African American students met grade level.

TISD's past elections provide evidence of the challenges prior minority candidates face when they run for the TISD board. For example, in the recent May 6, 2023, election, Armani Valentino, an African American candidate, ran for the District 7 at-large seat on the board and lost to a white candidate.

Furthermore, the African American community's right to vote is compromised by TISD scheduling elections in May. Holding elections in May effectively diminishes voter turnout among minorities due to a lack of awareness, decreased voter engagement during the elections, 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 the TISD board take immediate corrective measures to rectify violations of the VRA and the U.S. Constitutional Amendments by taking the following actions:

- (a) Adopt a single-member district election system that includes three opportunity districts for African American voters. African American opportunity districts are those in which more than 50% of the CVAP is African American. CVAP is 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) Immediately engage in 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