



# LUFKIN INDEPENDENT SCHOOL DISTRICT

Wayne D. Haglund | Legal Counsel

April 19, 2024

VIA EMAIL

Mr. William A. Brewer III  
Brewer Storefront, PLLC  
1717 Main Street, Suite 5900  
Dallas, Texas 75201

RE: Complaint regarding the Lufkin Independent School District's Alleged Violation of the Voting Rights Act and Use of Off-Cycle Elections

Dear Mr. Brewer:

The Lufkin Independent School District must respectfully disagree with your conclusion that the Lufkin Independent School District's use of an at-large election system violates §2 of the Voting Rights Act. In short, there is nothing about the current election system that results in the denial or abridgment of the rights of minorities to vote.

Voters of color enjoy an equal opportunity to elect candidates of their choice. As you indicate, voters of color include Hispanics, African Americans, Asians or other minority groups.

With regard to your statement that the Lufkin Independent School District uses an "off-cycle" timing of May School Board elections and that this is a violation of §2 of the Voting Rights Act, the District responds that State law mandates the holding of School Board elections on uniform election dates established by §41.001 of the Texas Election Code. This statute has been in effect since 1985 and requires School Board elections to be held on the first Saturday of May in both even and odd-numbered years unless the District authorizes the use of another uniform election date.

You state that the Lufkin Independent School District Board of Trustees does not represent the entire community as there are no Hispanic trustees in the seven (7) member Board even though forty-three percent (43%) of Lufkin Independent School District's students are Hispanic.

It is important that under the law in Texas, the School District is required to admit and provide educational services to all students, regardless of citizenship or immigration status. As such,



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there are significant numbers of students enrolled in the District who are successful, and whose parents are neither citizens nor enjoy the right to vote or hold office. As such the enrollment percentage is not reflective of the percentage of eligible voters nor is the number of students enrolled reflective of the number of eligible and registered voters.

While candidate filing for election in the Lufkin Independent School District is open to all, there have only been two (2) Hispanic individuals who have sought election to the Board of Trustees of the Lufkin Independent School District in the last forty (40) years.

By contrast, since the late 1970's, and early 1980's, and continuing to the present the voters of the Lufkin Independent School District have consistently elected trustees of color at or above their percentages in the number of registered voters in the District.

After extensive discussions with the United States Department of Justice Civil Rights Division, an investigation by the Civil Rights Division found that the voters of the Lufkin Independent School District have for more than forty-five (45) years continued to elect trustees of color at or greater than the percentage of registered voters of color in the District. In fact, for several years, trustees of color held a majority of the seats on the Lufkin Independent School District Board of Trustees.

After that same investigation and discussion with the United States Department of Justice Civil Rights Division, the Civil Rights Division determined that it would not be appropriate to change the voting method of the Lufkin Independent School District as it would harm, rather than increase the likelihood of persons of color being elected to the Board of Trustees.

Since 1990, the Lufkin Independent School District has continuously established, maintained and been guided a Tri-Ethnic Committee of citizens originally created by the federal court but continued voluntarily by the Lufkin Independent School District after the federal court declared the Lufkin Independent School District to be unitary in 2001. The Tri-Ethnic Committee is composed of Hispanics, African Americans and white recognized community leaders. The Tri-Ethnic Committee continues to serve and regularly meet to advise the District in virtually all of its academic and extra-curricular programs.

With regard to your proposed solutions, the School District respectfully declines to move its School Board elections to November to coincide with another general election. However, the School District is more than willing to engage with you in a conversation on outreach efforts to inform and engage minority voters and candidates.



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After you have had the opportunity to review this response, please direct any correspondence to this office. Thank you for your interest in the Lufkin Independent School District.

Respectfully,

Wayne D. Haglund  
WDH:ap

Cc: Mr. Kurt Stephens  
Deputy Superintendent  
Lufkin Independent School District

Dr. Daniel Spikes  
Assistant Superintendent of Administrative Services  
Lufkin Independent School District

Mr. Tim Hobbs  
Director of Purchasing/Risk Management  
Lufkin Independent School District