



March 6, 2024

VIA MAIL

David Hornberger
President
Alamo Heights Independent School District Board of Trustees
Alamo Heights Independent School District
7101 Broadway
San Antonio, TX 78209
dhornberger@ahisd.net

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

Dear Mr. Hornberger,

The Brewer Storefront ("Storefront") is the community-service affiliate of Brewer, Attorneys & Counselors. The Storefront is engaged to ensure 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 Alamo Heights Independent School District ("AHISD"), we conclude that AHISD'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.

AHISD's Board of Trustees does not represent the community. The Board of Trustees consists of all white members, even though voters of color comprise more than one-third of the school district's citizen voting age population ("CVAP"). There are no Hispanic trustees on the seven-member board despite the fact that nearly 40% of AHISD's students are Hispanic.

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 students. On the 2023 STAAR exams, 55% of Hispanic students met grade level compared to 78% of white students who met grade level.

Furthermore, minorities' right to vote is compromised by AHISD 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 AHISD's board take immediate corrective measures to rectify these violations of the VRA by taking the following actions:

- (a) Adopt a single-member district election system that includes at least one opportunity district for Hispanic voters. A Hispanic opportunity district is one in which more than 50 percent of the CVAP is Hispanic. 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** days outlining your intended actions. The Storefront offers a cooperative effort to establish fair elections that uphold democratic principles and safeguard voting rights.

Sincerely,

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

Brewer Storefront PLLC