Dallas Independent
School District, Texas

Submission of Redistricting Plan
Under Section 5 of the Voting Rights Act

October 5, 2011

Bickerstaff Heath
Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746
October 5, 2011

Via Federal Express

T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
1800 G Street, NW
Washington, DC 20006

RE: Submission under Section 5 of the Voting Rights Act of the Dallas Independent School District, Dallas County, Texas 2011 Redistricting of Trustee Districts

Dear Mr. Herren:

On behalf of the Dallas Independent School District, Texas (hereinafter “Dallas ISD”), I hereby submit the following changes affecting voting for consideration pursuant to 42 U.S.C. § 1973 c.

The Dallas Independent School District seeks preclearance of its resolution dated August 25, 2011 adopting proposed changes to its trustee districts. The changes to the trustee districts were a result of population changes identified in the 2010 Census. It also seeks preclearance of its resolution on the same date, allowing each of the trustees to serve out the remainder of their elected terms.

In compliance with 28 C.F.R. Part 51, I am supplying the following information on behalf of the Dallas Independent School District, Dallas County, Texas:

SECTION 51.27

(a) A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which section 5 preclearance is being requested.

A copy of the Dallas Independent School District Board of Trustees August 25, 2011 Resolution adopting the boundary changes for its trustee districts is attached to this submission as Exhibit A.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting standard, practice, or procedure that is proposed to be repealed, amended, or otherwise changed.
A copy of the Board of Trustees’ resolution adopting the existing trustee districts is attached to this submission as Exhibit B.

(c) A statement that identifies with specificity each change affecting voting for which section 5 preclearance is being requested and that explains the difference between the submitted change and the prior law or practice. If the submitted change is a special referendum election and the subject of the referendum is a proposed change affecting voting, the submission should specify whether preclearance is being requested solely for the special election or for both the special election and the proposed change to be voted on in the referendum.

The change alters the boundaries of the single-member trustee districts. As explained in the preamble to the Board of Trustees’ resolution adopting the changes, the modification in the boundaries was necessary to correct a population imbalance among the various districts as reflected by an analysis of PL 94-171 data from the 2010 Census. The difference in population and demographics between the newly adopted and current districts is shown in the following charts. A map showing the new districts is found at Exhibit C, and a map of the prior districts is attached as Exhibit D. In addition, charts showing more detailed information, including the actual numbers of individuals in each demographic category, are found at Exhibits E and F.

<table>
<thead>
<tr>
<th>District</th>
<th>Persons</th>
<th>Deviation</th>
<th>Hispanic % of Total Population</th>
<th>Non-Hispanic Anglo % of Total Population</th>
<th>Non-Hispanic Black % of Total Population</th>
<th>Non-Hispanic Asian % of Total Population</th>
<th>Non-Hispanic Other % of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>120,505</td>
<td>6.24%</td>
<td>29.74%</td>
<td>54.12%</td>
<td>9.71%</td>
<td>4.49%</td>
<td>1.95%</td>
</tr>
<tr>
<td>2</td>
<td>110,905</td>
<td>-2.22%</td>
<td>17.23%</td>
<td>70.27%</td>
<td>6.89%</td>
<td>3.79%</td>
<td>1.82%</td>
</tr>
<tr>
<td>3</td>
<td>105,183</td>
<td>-7.27%</td>
<td>45.33%</td>
<td>34.85%</td>
<td>14.19%</td>
<td>3.95%</td>
<td>1.68%</td>
</tr>
<tr>
<td>4</td>
<td>127,166</td>
<td>12.11%</td>
<td>59.74%</td>
<td>16.70%</td>
<td>22.16%</td>
<td>0.34%</td>
<td>1.06%</td>
</tr>
<tr>
<td>5</td>
<td>113,986</td>
<td>0.49%</td>
<td>28.20%</td>
<td>12.39%</td>
<td>57.60%</td>
<td>0.71%</td>
<td>1.10%</td>
</tr>
<tr>
<td>6</td>
<td>126,720</td>
<td>11.72%</td>
<td>44.58%</td>
<td>6.85%</td>
<td>46.74%</td>
<td>0.79%</td>
<td>1.04%</td>
</tr>
<tr>
<td>7</td>
<td>104,948</td>
<td>-7.48%</td>
<td>81.51%</td>
<td>11.56%</td>
<td>5.58%</td>
<td>0.52%</td>
<td>0.82%</td>
</tr>
<tr>
<td>8</td>
<td>95,367</td>
<td>-15.92%</td>
<td>76.19%</td>
<td>13.39%</td>
<td>6.64%</td>
<td>2.77%</td>
<td>1.02%</td>
</tr>
<tr>
<td>9</td>
<td>116,066</td>
<td>2.33%</td>
<td>37.80%</td>
<td>18.95%</td>
<td>40.22%</td>
<td>1.56%</td>
<td>1.47%</td>
</tr>
<tr>
<td>Totals</td>
<td>1,020,846</td>
<td></td>
<td>45.97%</td>
<td>26.52%</td>
<td>24.12%</td>
<td>2.06%</td>
<td>1.33%</td>
</tr>
</tbody>
</table>

Ideal Size = 1,020,846 / 9 = 113,427 per district.

Total Maximum Deviation = 12.11% - (-15.92%) = 28.03%

Some percentages may be subject to rounding error.
### Adopted Plan – Total Population

<table>
<thead>
<tr>
<th>District</th>
<th>Persons</th>
<th>Deviation</th>
<th>Hispanic % of Total Population</th>
<th>Non-Hispanic Anglo % of Total Population</th>
<th>Non-Hispanic Black % of Total Population</th>
<th>Non-Hispanic Asian % of Total Population</th>
<th>Non-Hispanic Other % of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>115,948</td>
<td>2.22%</td>
<td>28.36%</td>
<td>55.12%</td>
<td>9.91%</td>
<td>4.61%</td>
<td>1.99%</td>
</tr>
<tr>
<td>2</td>
<td>117,662</td>
<td>3.73%</td>
<td>18.30%</td>
<td>69.74%</td>
<td>6.47%</td>
<td>3.69%</td>
<td>1.80%</td>
</tr>
<tr>
<td>3</td>
<td>115,341</td>
<td>1.69%</td>
<td>45.73%</td>
<td>31.60%</td>
<td>17.23%</td>
<td>3.77%</td>
<td>1.66%</td>
</tr>
<tr>
<td>4</td>
<td>108,436</td>
<td>-4.40%</td>
<td>59.01%</td>
<td>18.16%</td>
<td>21.46%</td>
<td>0.28%</td>
<td>1.10%</td>
</tr>
<tr>
<td>5</td>
<td>118,869</td>
<td>4.80%</td>
<td>28.02%</td>
<td>17.58%</td>
<td>52.18%</td>
<td>1.03%</td>
<td>1.20%</td>
</tr>
<tr>
<td>6</td>
<td>110,227</td>
<td>-2.82%</td>
<td>38.92%</td>
<td>6.00%</td>
<td>53.14%</td>
<td>0.85%</td>
<td>1.09%</td>
</tr>
<tr>
<td>7</td>
<td>111,083</td>
<td>-2.07%</td>
<td>80.59%</td>
<td>12.64%</td>
<td>5.40%</td>
<td>0.52%</td>
<td>0.85%</td>
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<tr>
<td>8</td>
<td>114,089</td>
<td>0.58%</td>
<td>75.44%</td>
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<td>2.51%</td>
<td>1.00%</td>
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<tr>
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<td>109,191</td>
<td>-3.73%</td>
<td>42.45%</td>
<td>12.87%</td>
<td>42.47%</td>
<td>0.99%</td>
<td>1.23%</td>
</tr>
</tbody>
</table>

**Totals** 1,020,846

|                  |        |            | 45.97% | 26.52% | 24.12% | 2.06% | 1.33% |

**Ideal Size** = 1,020,846 / 9 = 113,427 per district.

**Total Maximum Deviation** = 4.8% - (-4.4%) = 9.2%

Some percentages may be subject to rounding error.

### Benchmark Plan – Voting Age Population

<table>
<thead>
<tr>
<th>District</th>
<th>Total VAP*</th>
<th>Hispanic % of Total VAP</th>
<th>Non-Hispanic Anglo % of Total VAP</th>
<th>Non-Hispanic Black % of Total VAP</th>
<th>Non-Hispanic Asian % of Total VAP</th>
<th>Non-Hispanic Other % of Total VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>25.18%</td>
<td>58.76%</td>
<td>9.58%</td>
<td>4.82%</td>
<td>1.66%</td>
</tr>
<tr>
<td>2</td>
<td>93,433</td>
<td>15.09%</td>
<td>72.69%</td>
<td>6.73%</td>
<td>3.91%</td>
<td>1.57%</td>
</tr>
<tr>
<td>3</td>
<td>77,093</td>
<td>38.87%</td>
<td>41.61%</td>
<td>14.18%</td>
<td>3.78%</td>
<td>1.55%</td>
</tr>
<tr>
<td>4</td>
<td>84,080</td>
<td>54.24%</td>
<td>21.18%</td>
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<td>1.02%</td>
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<tr>
<td>5</td>
<td>85,489</td>
<td>23.73%</td>
<td>15.74%</td>
<td>58.64%</td>
<td>0.86%</td>
<td>1.03%</td>
</tr>
<tr>
<td>6</td>
<td>88,482</td>
<td>39.19%</td>
<td>9.05%</td>
<td>49.89%</td>
<td>0.92%</td>
<td>0.95%</td>
</tr>
<tr>
<td>7</td>
<td>71,185</td>
<td>77.35%</td>
<td>15.19%</td>
<td>6.00%</td>
<td>0.61%</td>
<td>0.85%</td>
</tr>
<tr>
<td>8</td>
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<td>70.59%</td>
<td>17.69%</td>
<td>7.39%</td>
<td>3.27%</td>
<td>1.06%</td>
</tr>
<tr>
<td>9</td>
<td>86,046</td>
<td>32.31%</td>
<td>24.24%</td>
<td>40.20%</td>
<td>1.83%</td>
<td>1.42%</td>
</tr>
</tbody>
</table>

**Totals** 749,451

|                  |        |            | 39.97% | 31.91% | 24.55% | 2.31% | 1.25% |

*Voting Age Population

Some percentages may be subject to rounding error.
Adopted Plan – Voting Age Population

<table>
<thead>
<tr>
<th>District</th>
<th>Total VAP*</th>
<th>Hispanic % of Total VAP</th>
<th>Non-Hispanic Anglo % of Total VAP</th>
<th>Non-Hispanic Black % of Total VAP</th>
<th>Non-Hispanic Asian % of Total VAP</th>
<th>Non-Hispanic Other % of Total VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>24.03%</td>
<td>59.59%</td>
<td>9.76%</td>
<td>4.93%</td>
<td>1.69%</td>
</tr>
<tr>
<td>2</td>
<td>99,289</td>
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<td>72.21%</td>
<td>6.48%</td>
<td>3.80%</td>
<td>1.57%</td>
</tr>
<tr>
<td>3</td>
<td>83,420</td>
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<td>38.26%</td>
<td>16.99%</td>
<td>3.64%</td>
<td>1.53%</td>
</tr>
<tr>
<td>4</td>
<td>71,959</td>
<td>53.33%</td>
<td>22.84%</td>
<td>22.42%</td>
<td>0.36%</td>
<td>1.05%</td>
</tr>
<tr>
<td>5</td>
<td>91,409</td>
<td>23.45%</td>
<td>22.00%</td>
<td>52.15%</td>
<td>1.24%</td>
<td>1.16%</td>
</tr>
<tr>
<td>6</td>
<td>77,275</td>
<td>33.83%</td>
<td>7.78%</td>
<td>56.45%</td>
<td>0.97%</td>
<td>0.97%</td>
</tr>
<tr>
<td>7</td>
<td>75,778</td>
<td>75.71%</td>
<td>16.73%</td>
<td>6.03%</td>
<td>0.64%</td>
<td>0.89%</td>
</tr>
<tr>
<td>8</td>
<td>80,140</td>
<td>70.40%</td>
<td>15.31%</td>
<td>10.25%</td>
<td>3.01%</td>
<td>1.03%</td>
</tr>
<tr>
<td>9</td>
<td>77,800</td>
<td>37.01%</td>
<td>16.71%</td>
<td>43.92%</td>
<td>1.18%</td>
<td>1.19%</td>
</tr>
<tr>
<td>Totals</td>
<td>749,451</td>
<td>39.97%</td>
<td>31.91%</td>
<td>24.55%</td>
<td>2.31%</td>
<td>1.25%</td>
</tr>
</tbody>
</table>

*Voting Age Population

Some percentages may be subject to rounding error.

The second election change involves the term of office for the existing trustees. Under prior law in the State of Texas, all positions on the Dallas ISD Board of Trustees were required to be filled after each redistricting; that is, after each redistricting, each trustee serving on the Board was required to seek reelection to the Board without regard to the number of years otherwise remaining on the three-year term of office to which he or she had previously been elected.

The State Legislature amended the Texas Education Code in 2001, granting discretion to local school boards to provide that trustees in office when redistricting occurred to serve out the remainder of their terms. The law became effective on September 1, 2001.¹

The Dallas ISD Board of Trustees exercised its authority under this amended statute. Consequently, under the Board’s resolution, the trustees serving for Districts 1, 3, and 9 will (contingent upon preclearance) serve out the remainder of their three-year terms, expiring in 2012. The terms of office for Districts 4, 5, and 7 will expire in 2013 and the terms of office for Districts 2, 6, and 8 will expire in 2014.

(d) The name, title, mailing address, and telephone number of the person making the submission. Where available, a telefacsimile number and an email address for the person making the submission also should be provided.

The person making the submission is David Méndez at the law firm of Bickerstaff Heath Delgado Acosta LLP, 3711 S. MoPac Expressway, Building One, Suite 300, Austin, Texas 78746, phone (512) 472-8021 and fax (512) 320-5638, email: dmendez@bickerstaff.com.

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

The name of the submitting authority is the Dallas Independent School District.

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

The Dallas ISD is located in Dallas County, Texas.

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of Board of Trustees, administrative decision by registrar).

The changes to the trustee districts were adopted by the Dallas Independent School District Board of Trustees by resolution dated August 25, 2011.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

**Redistricting Plan.**

The proposed changes in trustee districts were necessitated by population shifts disclosed by the 2010 Census which resulted in population imbalances among the districts that exceeded the ten percent maximum deviation acceptable under the one person-one vote requirement of the United States Constitution.

Dallas ISD policy BBB (Legal)-I Issued September 25, 2009 requires the Board to redistrict if the difference in the total population between the most populous district and the least populous district exceeds ten percent, and requires Dallas ISD to seek preclearance from the U.S. Department of Justice.

Pursuant to Policy BBB (Local) adopted July 20, 2011, Board Resolution No. 60094, adopted May 26, 2011, and section 11.053 of the Texas Education Code, the Dallas ISD Board has the option to allow trustees to serve the remainder of their terms after redistricting. The Board has historically exercised this option each time Dallas ISD has redistricted and exercising this option is not a change requiring preclearance this cycle,
but constitutes a continuing practice. Copies of policy BBB (Legal)-I and BBB (Local) are attached as Exhibit G.

In addition to the statutory provisions and the local policies cited above, to initiate the redistricting process, the Dallas Independent School District Board of Trustees adopted a resolution establishing redistricting criteria to be followed in developing and evaluating potential plans and in adopting a final plan. A copy of the Criteria Resolution is attached hereto as Exhibit H. The Dallas ISD Board of Trustees also adopted a resolution containing guidelines for the public to follow in submitting proposed plans. A copy of the Guidelines Resolution is attached hereto as Exhibit I.

**Exercising Option to Allow Trustees Now in Office to Remain.**

Section 11.052 provides as a general rule that after each redistricting, all positions on a board of trustees shall be filled. Section 11.053 of the Texas Education Code, as newly amended, provides an exception to this general rule. The amended statute says that the board of trustees for an independent school district that adopts a redistricting plan under Section 11.052 may provide for the trustees in office when the school district is redistricted to serve for the remainder of their terms. When a school board opts to permit the elected trustees to continue in office as authorized by the Section 11.053 exception, then the trustee districts provided by the district’s redistricting plan must be filled as the staggered terms of trustees, then in office, expire. After each redistricting, the board must determine the order in which the positions shall be filled. The resolution adopted by the Dallas ISD Board of Trustees on May 26, 2011 complies with this statutory provision.

(i) **The date of the adoption of the change affecting voting.**

The changes to trustee districts were adopted by the Board of Trustees of the Dallas Independent School District, Dallas County, Texas by resolution dated August 25, 2011.

(j) **The date on which the change is to take effect.**

The resolution is intended to take and be given effect immediately upon preclearance under Section 5 of the Voting Rights Act, for application to the May 2012 general election. February 4, 2012 is the first day that Board of Trustees member candidates may file to run in the 2012 general election. Accordingly, the new Board of Trustees districts will go into effect on the later of February 4, 2012 or when preclearance is obtained.

(k) **A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

The change has not yet been enforced or administered.

(l) **Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

The change affects the entire jurisdiction.
(m) A statement of the reasons for the change.

**Redistricting Plan.**
The proposed changes in trustee districts were necessitated by population shifts disclosed by the 2010 Census. Because of population changes over the past decade, the existing trustee districts now have a total maximum deviation (*i.e.*, as between the most populous and least populous districts, measured in reference to the ideal district size) of 28.03%. This meant the existing plan was subject to challenge under the one person-one vote principle, because of a maximum deviation exceeding ten percent, which the Courts have recognized as *prima facie* constitutional. Under the proposed plan, the total maximum deviation is reduced to 9.2%.

**Trustees to Serve Remainder of Terms.**
As discussed previously, the Board also elected to exercise its authority under amended Section 11.053 of the Texas Education Code to permit the trustees in office to serve out the remainder of their terms. This will promote continuity of leadership, avoid a rapid turnover on the Board, retain one of the minority incumbents, and avoid the unnecessary outlay of District and candidate resources for conducting and campaigning for a school board election. This change will promote stability. As discussed below, this change does not affect the voting strength of minority residents of the school district.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

**Redistricting Plan.**
There is no anticipated adverse effect on members of racial or language minority groups due to the proposed change.

**Discussion of Impact on Protected Minority Groups by District**

Under the Benchmark Plan **Districts 1 and 2** are predominately Non-Hispanic Anglo majority districts on a total and voting age basis. Under the proposed plan, they remain substantially unchanged from a demographic standpoint (within roughly a percentage point of the benchmark demographic percentages for each major demographic group in each respective district). District 1 has historically elected Anglo trustees, but currently elects a Hispanic trustee. Trustee District 2 has an Anglo incumbent, and has historically elected Anglo trustees.

The remaining seven single-member trustee districts, both in the Benchmark Plan and historically, can be characterized as either majority-minority districts (districts in which the majority of the voting age population has been of one protected minority group), or plurality districts, that is, a district in which no one demographic group has a majority of voting age population but in which the majority of the voting age population of the district is comprised of two or more protected minority groups. Under the proposed plan
these majority-minority and plurality districts retain this character as discussed in detail below.

Under the Benchmark Plan, District 3 is a plurality district which has a total Hispanic population of 45.33%, and a voting age Hispanic population of 38.87%. In the proposed plan, while District 3’s total Hispanic population was increased under the proposed plan to 45.73%, and its voting age Hispanic population is 39.58%, its Spanish Surnamed Registered Voter (“SSRV”) percentage is only 15.39%. The African-American total population is 14.19% and its African-American voting age population is 14.18%. In the proposed plan, District 3’s African-American total population is increased to 17.23% and the African-American voting age population is 16.99%. With a Non-Hispanic Anglo total population percentage of 31.60% and a voting age percentage of 38.26%, the largest voting age demographic block remains the Non-Hispanic Anglo group. The district has historically elected an Anglo trustee and the current trustee from the District is Anglo.

From a demographic standpoint, District 4 is a predominately Hispanic District under the Benchmark Plan. The district has a total Hispanic population of 59.74%, and a voting age Hispanic population of 54.24%. In the proposed plan, District 4’s total Hispanic population is 59.01%, and its voting age Hispanic population is 53.33%, its SSRV percentage is only 25.97%. The African-American total population is 23.73% and its African-American voting age population is 22.16%. In the proposed plan, District 3’s African-American total population is increased to 21.46% and the African-American voting age population is 22.42%. With a Non-Hispanic Anglo total population percentage of 18.16% and a voting age percentage of 22.84% the eligible/voting age demographic proportions of the major demographic groups represented in District 4 remain roughly equal. The district has historically elected an Anglo trustee and the current trustee from the District is Anglo.

District 5 remains a predominately African-American trustee district. Under the Benchmark Plan, District 5 is the strongest African-American trustee district with a total African-American population of 57.60% and a voting age African-American population of 58.64%. The other significant demographic groups represented in the district are Hispanics (28.20% total population) and Anglo (12.39% total population). In the redistricting process the territory (and the African-American population) in the district was modified to enhance the African-American population percentage in District 9. Nonetheless, District 5 remains a majority African-American trustee district under the proposed plan. The total African-American population percentage is 52.18% and the African-American voting age percentage is 53.33%. It is overwhelmingly the largest single demographic group in the district on both a total and voting age basis. The corresponding Hispanic total population percentage under the Proposed Plan is only 28.02% (with a voting age percentage of 23.45% and SSRV of only 8.74%) The Anglo total population is only 17.58% with a voting age percentage of 22.00%. Trustee District 5 has historically elected a African-American trustee and the current incumbent is African-American.
District 6, likewise, remains a predominately African-American trustee district. Under the Benchmark Plan, District 6 was the second strongest African-American trustee district with a total African-American population of 46.74% and a voting age African-American population of 49.89%. The other significant demographic groups represented in the district are Hispanics (44.58% total population) and Anglo (6.85% total population). In the redistricting process, a predominately Hispanic voting precinct No. 4419 was moved to District 7 to assist in balancing the population of District 6 and in the process of losing this territory (and the Hispanic population) it served to significantly enhance the African-American population percentages of the district. The African-American population in District 5 is substantially increased under the proposed plan. The total African-American population percentage is increased to 53.14% and the African-American voting age percentage is 56.45%. The African-American population is overwhelmingly the largest single demographic group in the district on both a total and voting age basis. The corresponding Hispanic total population percentage under the Proposed Plan is only 38.92% (with a voting age percentage of 33.83% and SSRV percentage of only 12.7%) The Anglo total population is only 6.00% with a voting age percentage of 7.78%. Trustee District 6 has historically elected a African-American trustee and the current incumbent is African-American.

District 7 is a predominately Hispanic trustee district with a Hispanic total population of 81.51% under the Benchmark Plan, a 77.35% Hispanic voting age percentage and a corresponding SSRV percentage of 58.14%. Under the Proposed Plan the district remains substantially identical from a demographic standpoint although the territory of the district has been substantially modified to encompass a more compact portion of the Oak Cliff and West Dallas Communities. The Hispanic total population under the Proposed Plan is 80.59% with a Hispanic voting age population of 75.71% (and an SSRV percentage of 56.52%) The corresponding Anglo total population percentage is 12.64% with an Anglo voting age percentage of 16.73%. The African-American total population is 5.40% with a voting age percentage of 6.03%. The trustee district has historically elected a Hispanic trustee, but at present the incumbent is Anglo. There is no evidence to suggest that the incumbent is not the candidate of choice of the Hispanic majority in the district and throughout the redistricting process the incumbent trustee has advocated for the Hispanic Voters of the school district and for enhancement of representation opportunities for that community.

District 8 is a predominately Hispanic trustee district with a Hispanic total population of 76.19% under the Benchmark Plan and a 70.59% Hispanic voting age percentage, but with a corresponding SSRV percentage of only 38.25%. The Hispanic total population under the Proposed Plan is 75.44% with a Hispanic voting age population of 70.40% (and the SSRV percentage is increased slightly to 38.72%) The corresponding Anglo total population percentage is 11.42% with an Anglo voting age percentage of 15.31%. The African-American total population is 9.63% with a voting age percentage of 10.25%. The trustee district has historically elected a Hispanic.

Under the Benchmark Plan, District 9 is a plurality district which has a total African-American population of 40.22%, and a voting age African-American population of
40.20%. In the proposed plan, District 9’s total African-American population was increased to 42.47% and its voting age African-American population is increased to 43.92%. The corresponding Hispanic total population in the District under the Proposed Plan is 42.45% and its Hispanic voting age population is 37.01%, but the SSRV for the district is only 14.72%. With a Non-Hispanic Anglo total population percentage of only 12.87% and a voting age percentage of 16.71% the largest voting age demographic block remains the Non-Hispanic African-American group. The district has historically elected an African-American trustee and the current trustee from the District is African-American.

In conclusion, there is no adverse effect on the members of racial or language minority groups due to the changes in the Proposed Plan.

**Discussion of Impact on Specific Demographic Groups**

**Hispanic**

Hispanics represent 45.97% of the total population of the Dallas ISD, 39.97% of the voting age population and 41.57% of the citizen voting age population of the District. Under the Benchmark Plan, Hispanic majority voting age populations exist in trustee Districts 4, 7 and 8. While the three districts have Hispanic voting age percentages, the SSRV percentages for the three districts are, respectively, only 26.92%, 58.14% and 38.25%.

Historically, the demographic group has consistently elected trustees in District 7 and 8. At the present time District 7’s trustee is Anglo, but there is no evidence to suggest that the incumbent is not the candidate of choice of the Hispanic electorate. There has not been a successful Hispanic candidate in District 4 and that seat is currently held by an Anglo incumbent. A Hispanic candidate has been successful in District 1, a predominately Anglo district.

The district received two proposals from Citizens during the public input phase of the redistricting process. An additional plan was submitted by the same plan proponents after the close of the redistricting public input process. The three “Citizen Plans” attempt to create four districts (each plan with different configurations of districts) with a majority voting age Hispanic population. All of the Citizen Plans fail to produce more than one majority SSRV district. One of the Citizen Plans does not contain any majority SSRV districts. Each of the Citizen Plans causes severe retrogression to one or more existing African-American or Hispanic Districts without achieving any demonstrable gain in the number of majority Hispanic trustee districts. Two of the Citizen Plans also pack African-American voters into two of the existing districts. These Citizen Plans are discussed in detail in Section 51.28 of this submission.

During the 2011 redistricting process, the District developed and publicly discussed plans that maintained the Hispanic voting age percentages at or about the benchmark levels. The Proposed Plan increases the SSRV percentages Districts 4 and 9 as compared to the
Benchmark levels, and does so in part by placing territory from District 7 (an area with proportionately higher SSRV percentages) into District 8. The Proposed Plan demonstrates the highest increases in SSRV of any of the plans considered and presented during the redistricting process without causing retrogression or other adverse impact (from a voting rights standpoint) to existing districts.

While District 4 has a substantial voting age Hispanic population component, it has only a 25.97% SSRV level. As noted in discussions elsewhere in this submission, this level of voter registration for Hispanics compared to the proportions of Anglo and African-American voting age population suggest that, notwithstanding the numerical Hispanic voting age majority under the census, this District may be just as likely to be controlled by Anglo or African-American voters if there is polarized voting in the district.

African-American

African-Americans represent 24.12% of the total population of the Dallas ISD, 24.55% of the voting age population and 27.73% of the citizen voting age population of the District. Historically, the demographic group has consistently elected trustees in Districts 5, 6 and 9. Under the Benchmark Plan, the group has substantial voting age percentages in all three of those districts (respectively, 58.64%, 49.89% and 40.20%).

During the 2011 redistricting process, the representative in District 9 expressed interest in strengthening the African-American population percentage in District 9. The trustee from District 5 proposed a plan which illustrated a means of making Districts 5, 6 and 9 into majority voting age African-American districts. The proposed Plan maintains substantial voting age majority control in District 5 and 6, and increases the voting age population percentage in District 9 by almost four percentage points to 43.92%.

The African-American voting age percentages in each of these three districts overwhelm the next nearest demographic group (whether Anglo or Hispanic) in each district.

In addition, in District 4, the African-American voting age percentage (22.42%) is within 4 tenths of a point of the Anglo voting age percentage and within three and a half points of the Hispanic SSRV.

Asian

The Asian population represents 2.06% of the total population of the school district and 2.31% of the voting age population of the school district. There does not appear to be an Asian population concentration within the school district to constitute a legally significant portion of any trustee district. Under the Benchmark plan, Asian percentages range from 0.34% in District 4 to 4.49% in District 1. Similarly, under the Proposed Plan the percentages of total Asian population range from 0.28% to 4.61%.
Trustees to Serve Remainder of Terms.
The Board’s decision to allow each of the trustees to serve out the remainder of his or her elected three-year term does not have the purpose or the effect of denying or abridging the right to a racial or language minority group to vote.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

There is no past or pending litigation concerning the change or related voting practices. There has been no redistricting litigation in the last 10 years. A suit against the District was filed during the 2001 redistricting cycle and was dismissed. A full description of the case was included with the District’s Submission No. 2001-3564.

(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

The prior redistricting plan was precleared on December 6, 2005. A copy of the prior preclearance letter is attached hereto as Exhibit J.

SECTION 51.28

(a) Demographic information

(1) Total and voting age population of the affected area before and after the change, by race and language group.

This information is provided in Exhibits E and F.

(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.

Data on registration by race is not collected or available in Texas, although it is possible to determine the approximate number of persons who are registered voters who have Spanish surnames. This information, reported by the Texas Secretary of State, is maintained on a county basis. The Spanish surname information for the counties in which the school district is located is attached as Exhibit K.

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

No census blocks were split in the proposed plan. Accordingly, it was not necessary to make any estimates in connection with the adoption of the change.
(b) Maps

Maps are attached to this submission as exhibits and are also provided on CD for your convenience and review.

(1) The prior and new boundaries of the voting unit or units.

Maps depicting the current and the newly adopted trustee districts are attached hereto as Exhibits C and D.

(2) The prior and new boundaries of voting districts.

This change does not affect prior or new boundaries of voting precincts.

(3) The location of racial and language minority groups.

Maps showing the location of relative concentrations of Hispanic and African-American residents (total population) within Dallas ISD are attached as Exhibit L.

(4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.

All of the adjustments to the boundaries of the territories constituting the nine (9) trustee districts are based on 2010 Census Geography as depicted on the latest TIGER files available from the Census Bureau. The precise boundaries of the census blocks utilized to build the trustee districts in many instances follow highways, county roads, city streets, and other geographic features, all as depicted in the 2010 TIGER files and as further depicted in the attached map of the proposed trustee districts at Exhibit C.

(5) The location of prior and new polling places.

The change does not affect polling places.

(6) The location of prior and new voter registration sites.

The change does not affect voter registration.

Additional maps and demographic information

(e) Annexations

Not applicable.

(d) Election returns

Election returns for the past 10 years are attached as Exhibit M.
(e) **Language usage**

Not applicable.

(f) **Publicity and participation**

From the outset of the redistricting process, the Dallas ISD Board of Trustees took steps to ensure the full participation of all interested persons and groups. The Board of Trustees instituted an open process to redistrict the trustee districts. The process is described in detail below, and a detailed analysis of plans considered by the Board of Trustee is also included.

**Discussion of Redistricting Process**

At a Board of Trustees meeting held on June 2, 2011, the Dallas ISD’s redistricting counsel presented a preliminary demographic report showing the results of the 2010 Census as they related to the existing trustee districts. This presentation highlighted the need to redistrict resulting from population imbalances among the districts that exceeded the ten percent maximum deviation acceptable under the one person-one vote requirement of the United States Constitution. A copy of the initial assessment report is included as Exhibit N.

At the June 9, 2011 Board of Trustees briefing session, the Board of Trustees was provided with a summary of its obligations under the Voting Rights Act and an overview of the *Shaw v. Reno* jurisprudence.

In addition to the statutory provisions, at its regular board meeting on June 23, 2011, to initiate the redistricting process, the Dallas ISD Board of Trustees adopted a resolution establishing redistricting criteria to be followed in developing and evaluating potential plans and in adopting a final plan. A copy of the Criteria Resolution is attached hereto as Exhibit H. At the same meeting, the Dallas ISD Board of Trustees also adopted a resolution containing guidelines for the public to follow in submitting proposed plans. A copy of the Guidelines Resolution is attached hereto as Exhibit I. At the same meeting, the trustees authorized the consultants to post draft plans and authorized the Board President to set public hearings throughout the District for public input. The presentation and the Board of Trustees’ deliberations on the matters were detailed in the minutes of the meeting which are included herein as Exhibit O.

Based on interviews with affected trustees, redistricting counsel prepared draft plans for presentation to the public which were labeled as “Draft Plans 2, 3, 4A, and 5A.” The draft plans were posted to the District’s Redistricting webpage on the District’s website on July 18, 2011. Copies of the Draft Plans and the related demographic reports are included in Exhibit P. An analysis of the various Draft Plans follows after this discussion of the redistricting process.
Public Hearings were scheduled for July 25, 2011, July 26, 2011, August 1, 2011, August 4, 2011, August 9, 2011 and August 16, 2011 at various locations around the District as reflected below:

**PUBLIC HEARINGS ON REDISTRICTING**
Date, Time and Location

<table>
<thead>
<tr>
<th>July 25, 2011 6:00 p.m.</th>
<th>July 26, 2011 6:00 p.m.</th>
<th>August 1, 2011 6:00 p.m.</th>
<th>August 4, 2011 6:00 p.m.</th>
<th>August 9, 2011 6:00 p.m.</th>
<th>August 16, 2011 6:00 p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medrano MS 9815 Brockbank Drive</td>
<td>Garcia MS 700 East Eighth St.</td>
<td>Tommie Allen Rec Center 7071 Bonnie View</td>
<td>Carr ES 1952 Bayside Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notice of the public hearings were made through news releases to the media, posted on the District’s website at [www.dallasisd.org](http://www.dallasisd.org) and its Facebook page at [www.facebook.com/dallasisd](http://www.facebook.com/dallasisd), and published in multiple publications, including *Al Dia, The Dallas Post Tribune, The Dallas Weekly*, and *The Dallas Morning News*. Direct community outreach was made by individual trustees in newsletters and column postings in the *Dallas Weekly, The Park Cities News, The Dallas Post Tribune, El Extra, The Oak Cliff People, Elite News, The White Rock Lake Weekly*. Copies of these notices are attached as [Exhibit Q](#).

Various numbers of constituents appeared over the course of the multiple public hearings held, and the District received substantial testimony. At the public hearing at the Medrano Middle School campus on July 25, 2011, no constituents appeared to offer remarks; while at Adams High School, on the same day, nine constituents attended the hearing, of which six spoke. At the public hearings on July 26, 2011, eight constituents appeared at Carr Elementary School with just four speaking. At Garcia Middle School six people attended, but only four spoke. The largest number of constituents appeared at the Kimball High School hearing. Twenty-eight people attended and nineteen spoke. On August 1, 2011, three constituents attended and offered remarks at the Del Golyer Elementary School hearing, and eighteen people attended and spoke at the hearing held at the Tommie Allen Rec Center hearing on the same day. At the final hearings held on August 4, 2011 and August 9, 2011 at the Dallas ISD Administration Building, nine constituents and three constituents attended, respectively. Of the twelve people attending these hearings, ten offered comments. Transcripts of the public hearings are attached as [Exhibit R](#). Sign-in sheets for the public hearings are included in [Exhibit O](#). A summary of the comments was presented to the trustees, along with the transcripts, at its briefing.
session on August 11, 2011, and is also included as part of Exhibit R. The District received two Citizen Plans from Domingo Garcia during the public hearing process and received a third plan from him after the close of the hearing process.

At its briefing session on August 11, 2011, the Board of Trustees received a detailed report on the public comment received at the hearings.

Drawing sessions in open meeting were held by the Board of Trustees in order to provide input to its redistricting counsel on August 18, 2011 and on August 23, 2011. Based upon those deliberations, the Board of Trustees directed its counsel to prepare multiple additional Draft plans based upon the redistricting criteria adopted by the Board of Trustees to present to the public at a public hearing to demonstrate the manner in which the imbalance in population among the nine trustee districts could be corrected to satisfy the 10% maximum deviation requirement. These Draft plans are discussed in detail in the following section of this submission.

The Board of Trustees met in open session at its Regular Monthly meeting held on August 25, 2011 and, after discussion, adopted “Draft Plan 12” as the Dallas ISD’s new districting plan. The minutes of the meeting are attached at Exhibit O.

Discussion of Redistricting Plans Considered by the Board and Presented to the Public

The Board of Trustees directed redistricting counsel to prepare Draft Plans for presentation to the public to demonstrate various alternative means of rebalancing the population of the respective single-member trustee districts in accordance with the Redistricting Criteria promulgated by the Board. Two law firms were engaged by the Board of Trustees to serve as redistricting counsel and develop plans. Redistricting counsel interviewed individual trustees to obtain information about their respective districts and then independently developed composite redistricting plans based on these interviews. Each firm interviewed a different set of trustees.

One of the redistricting firms initially developed plans denoted as Demo Plans 1, 2 and 3 and the other redistricting firm developed plans initially denoted as Draft Plans 4 and 5. The plans initially developed by redistricting counsel were essentially composites of the information garnered by them in their initial interviews with trustees. To the extent that a trustee’s requests or suggestions could not be incorporated by Redistricting counsel into an existing composite plan, an alternative iteration was created resulting in the five Plans. For example, Plan 4 is a plan developed by redistricting counsel in collaboration with one trustee for the purpose of demonstrating whether a plan could be built that included three majority voting age Hispanic districts, three majority voting age African-American districts and three predominately Anglo districts. Because this concept required substantial divergence from other trustees’ ideas and requests, it resulted in a separate plan.
The consultants then collaborated and Draft Plans 4 and 5 were adjusted to incorporate components from Plan 3 at which time these plans were designated Draft Plans 4A and 5A. Specifically, the plan adjustments to Plans 4 and 5 were to incorporate the specific boundaries of District 8 from Plan 3.

The consultants then published for public comment Plans 2, 3, 4A and 5A each representing alternative means of rebalancing the population of the respective single member trustee districts utilizing and stressing the redistricting criteria to different degrees.

Discussion of Plans

Each of the Draft Plans published by the Dallas ISD on its website for public comment is discussed below.

Draft Plan 1

Draft Plan 1 was developed by redistricting counsel in consultation with Trustees Morath and others to demonstrate the manner in which the consultant's redistricting software operated and to demonstrate a plan within the 10% deviation requirements of "one person-one vote" (it achieves a 9.45% total deviation). The plan did not receive serious consideration by the Board and the Board ultimately decided not to present the plan to the general public as an illustrative plan as a part of the public input phase of the process. Draft Plan 1 and the Plan report are included as part of this submission as Exhibit P.

Draft Plan 2

Draft Plan 2 was developed by redistricting counsel in consultation with trustees Morath, Cowan, Flores, Ranger and Parrot, and demonstrated a plan within the acceptable maximum deviation range which was one of the Illustrative Plans presented to the public in the public input phase of the process. Draft Plan 2 and the Plan report are included as part of this submission as Exhibit P.

Draft Plan 3

Draft Plan 3 was developed by redistricting counsel in consultation with Trustee Medrano and incorporated specific modifications to Plan 2 based upon the boundaries of Trustee District 8 which was the most under-populated Hispanic district and the one which presented the most difficult challenges in maintaining its ethnic and racial composition so that it could continue to perform as a majority-minority district. While the District has a substantial Hispanic Voting Age population in the benchmark and in this draft plan, it struggles to maintain a substantial Spanish Surnamed Registered Voter percentage. The significant aspect of this plan is that the configuration of Trustee District 8 was subsequently incorporated into many of the other plans under consideration. Draft Plan 3 was one of the plans provided to the public as part of the public input phase of the
redistricting process. Draft Plan 3 and the Plan report are included as part of this submission as Exhibit P.

Draft Plan 4A

Draft Plan 4 was developed by redistricting counsel in consultation with Trustee Blackburn, and was an attempt to demonstrate the ability to construct a plan in which the trustee districts could be drawn to contain a majority of voting age population from the three primary demographic groups in the district. An effort was made to maintain the majority Hispanic voting age percentages in Trustee Districts 4, 7 and 8. In addition, particular attention was applied to balance the African-American voting age population among Trustee Districts 5, 6 and 9 so that each achieved at least a 50% level. Trustee Districts 1 and 2 were drawn with minimal changes and maintained their substantial Anglo voting age majority. Trustee District 3 remained a plurality district with the Anglo voting age population representing the largest block (40.21%). While this district has a comparable Hispanic voting age percentage, the SSRV level is only 15.27%.

Draft Plan 4 was amended and was denoted as Draft Plan 4A prior to publication to incorporate the boundaries of Trustee Districts 1, 2 and 8 on the north side of the school district. Those districts were depicted in Draft Plan 3 as the incorporation of those elements did not adversely impact the basic concept proposed by Trustee Blackburn and redistricting counsel sought to create a composite plan that contained as many consistent elements from the trustee interviews. A comprehensive report on the plan was prepared by redistricting counsel and provided to the trustees at the time the plan was posted on the school district’s website. Draft Plan 4A and the Plan report are included as part of this submission as Exhibit P.

Draft Plan 5A Plan

Draft Plan 5 was developed initially by redistricting counsel in consultation with Trustees Ranger (District 6), Nutall (District 9) and Parrot (District 3). It represented a composite of ideas for the balancing of these specific three trustee districts gleaned from separate individual interviews with each of these officials.

District 6 required minimal change, as the district was only 11.72% overpopulated in the Benchmark Plan and, under Draft Plan 5, involved solely the transfer of precinct 4419 (a predominately Hispanic district) back to Trustee District 7 from where it had been transferred in the 2006 redistricting.

Likewise, Trustee District 9 required minimal adjustments. While the district was only 2.33% over populated in the Benchmark Plan, the Trustee suggested transferring certain precincts on the north side of the trustee district in order to allow District 9 to take population from Trustee District 4 which was the most populous trustee district and since District 9 was in the best position to assist in balancing this population as accomplishing the balancing in the southern portions of the school district would have been disruptive to various communities. Under Draft Plan 5, Trustee District 9 remained substantially the
same from a demographic standpoint which was consistent with the trustee’s stated objectives for a diverse district comprised of a multi-ethnic population.

The modifications to Trustee District 3 were required to add population to this under-populated district, and primarily to assist District 9 in taking population from District 4 to bring that district into balance as well. Trustee District 3 took precincts 2244, 2245, 2246 and 3219 from Trustee District 9. It gave up precinct 2221, to Trustee District 2.

Prior to publication on the school district’s website, Plan 5 was amended by redistricting counsel to incorporate the trustee boundaries for Trustee Districts 1, 2 and 8 in the northwest part of the District to create a composite plan that contained as many elements as possible from the suggestions provided by the trustees to redistricting counsel.

A comprehensive report on the plan was prepared by redistricting counsel and provided to the trustees at the time the plan was posted on the school district’s website. Draft Plan 5A and the Plan report are included as part of this submission as Exhibit P.

Discussion of Citizen Plans

The District received two Citizen Plans from Domingo Garcia, a resident of the school district during the public hearing process and received a third plan from him after the close of the hearing process.

Citizen plans are denominated alphabetically in inverse order starting with the letter Z. Where a citizen plan is submitted in multiple forms, the plans are additionally assigned a numerical designation, hence the designation Y2 for Citizen Plan Y (the second version of the plan we received) which included information that suggested it was one of two iterations and where the plan proponents requested the District consider the second version.

The comment period expired as of the close of the last public hearing on August 16, 2011.

Citizen Plan Z

The District’s redistricting counsel received a map and demographic charts of the plan, and was able to substantially replicate the plan on the firm’s software and analyze the plan in terms of its adherence to the redistricting criteria adopted by the school district. Citizen Plan Z and the related demographic report are included as part of this submission as Exhibit S.

The Plan generally followed easily identifiable geographic boundaries, but split communities of interest in various parts of the school district. In particular, Citizen Plan Z appears to split neighborhoods and communities of interest in the Pleasant Grove area between Districts 4 and 5. The Plan splits the Fair Park area between Districts 5 and 9. The Wilmer Hutchins area is moved to District 4 where it has historically been in
District 5. The Perry Heights area is split between District 2 and 8 where a cleaner boundary appears to be at Cedar Springs and the toll way. A portion of the Oak Cliff area is split, as the area is allocated among Districts 6 and 7. The Wynnewood area appears split between Districts 5 and 6. Some of these neighborhoods and communities of interest are split in the existing district structure.

The Plan splits in excess of 70 election precincts around the District, and substantially alters the boundaries of a majority of the existing trustee districts. While the Plan created districts of substantially equal size and compactness, the plan shifted the core constituent groups out of the districts of trustees they elected in Trustee Districts 4, 5, 6, 8 and 9.

The major problems noted with Citizen Plan Z were that it substantially reduces the minority percentages in three of the existing performing minority districts and packs the remaining two. Specifically, the voting age percentages in the existing majority-Hispanic Trustee Districts 7 and 8 are both significantly reduced. In addition, the African-American voting age percentage in Trustee District 9 is reduced from 40.2% to 25.3% and in Trustee Districts 5 and 6 the African-American percentages are increased from 58.64% and 49.89%, respectively, to 64.2% and 62.99%. Plan Z may cause retrogression in Districts 7, 8 and 9 and packs African-Americans in Districts 5 and 6.

The plan proponents attempt to create four districts in which Hispanic voters could constitute a numerical voting age majority. If the intent was to design four districts in which Hispanic voters had a reasonable opportunity to elect candidates of their choice, it appears that this objective is not achieved under the plan and thus does not provide a compelling legal basis that would require the District to adopt such a plan. In cases requiring the drawing of majority voting districts in the Fifth Circuit (the federal judicial appellate circuit in which Dallas ISD is located), the federal courts require a plaintiff who brings an action under Section 2 of the Voting Rights Act to demonstrate that the districts he has created are comprised of a majority of citizen voting age individuals. The available citizenship data for Dallas County and recent SSRV data for the election precincts comprising these trustee districts strongly suggest a conclusion that these districts will not likely perform.

While the proponents of Plan Z have created four voting age Hispanic majority trustee districts, they would be unable to demonstrate that these districts contain a majority of citizen voting age Hispanics. A map depicting citizenship percentages for the area is attached in Exhibit L that shows that, except for the area around District 7, there is not a sufficient population concentration of citizen voting age Hispanics to constitute a majority in any of the other three districts that are described by that Plan Z data as majority Hispanic. This fact can further be corroborated by the Spanish surnamed registered voter percentages generated by the plan.
<table>
<thead>
<tr>
<th>District</th>
<th>HVAP%</th>
<th>SSRV%</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>53.10%</td>
<td>25.91%</td>
</tr>
<tr>
<td>7</td>
<td>74.55%</td>
<td>54.77%</td>
</tr>
<tr>
<td>8</td>
<td>66.48%</td>
<td>33.90%</td>
</tr>
<tr>
<td>9</td>
<td>51.29%</td>
<td>23.32%</td>
</tr>
</tbody>
</table>

Because these districts do not contain anywhere near a Hispanic citizen voting age majority, they are not required to be drawn under Section 2. For the same reason, they appear to result in retrogression forbidden by Section 5. The District is required under Section 5 of the Voting Rights Act to demonstrate to the Department of Justice that it has not retrogressed the voting strength of the protected minority populations based on the existing “benchmark” districts. Plan Z, if adopted by the Board, would retrogress Districts 7, 8 and 9 and would adversely impact both Hispanic and African-American voters. Further, it appears that Plan Z packs African-Americans into Districts 5 and 6, and, potentially, cracks the African-American population presently in District 9 so as to adversely impact that community’s continued ability to elect three trustees to the Board.

**Citizen Plan Y2**

Plan Y2 was submitted to the District on August 1, 2011 by Domingo Garcia during the District’s public input process. It is substantially similar to Plan Z in many respects, but has further retrogressed District 7 more substantially than Plan Z. Because the plans are substantially similar in configuration, the analysis here is therefore limited to the voting rights implications of the plan and, in particular, the comparative demographics of the Hispanic districts created by the plan. Citizen Plan Y2 and the related demographic report are included as part of this submission as Exhibit T.

Plan Y2 further reduces the SSRV percentage in District 7 from 58.14% to 46.95%. It also adversely impacts the minority populations in Districts 8 and 9 (as compared to the Benchmark Plan) without producing additional districts with comparable Hispanic voting strength. It packs African-Americans in Districts 5 and 6. The African-American voting age percentage in Trustee District 9 is again reduced from 40.2% to 25.3%. In addition, the African-American percentages in Trustee Districts 5 and 6 are increased from 58.64% and 49.89%, respectively, to 64.25% and 60.27%. Like Plan Z, Plan Y2 unreasonably retrogresses Districts 7, 8 and 9 and packs African-Americans in Districts 5.

To the extent the plan is an attempt to create four districts in which Hispanic voters could constitute a sufficiently large and geographically compact group of electors, Plan Y2 is as deficient as Plan Z.

SSRV percentages and citizenship percentages for the area are not sufficiently strong to allow the plan proponents to demonstrate that Citizen Voting Age Hispanics constitute a majority in any of the other three districts that are described by the plan data as majority.
Hispanic voting age districts. This fact can be corroborated by the Spanish surnamed registered voter percentages generated by the plan.

<table>
<thead>
<tr>
<th>District</th>
<th>HVAP%</th>
<th>SSRV%</th>
</tr>
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<tbody>
<tr>
<td>4</td>
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<td>7</td>
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<td>8</td>
<td>69.31%</td>
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</tr>
<tr>
<td>9</td>
<td>51.31%</td>
<td>23.36%</td>
</tr>
</tbody>
</table>

If adopted by the Board, Plan Y2, like Plan Z would retrogress Districts 7, 8 and 9 and would adversely impact both Hispanic and African-American voters. Plan Y2 packs African-Americans in Districts 5 and 6 and potentially cracks African-American population presently in District 9 so as to adversely impact that community’s continued ability to elect three trustees to the Board.

**Citizen Plan X**

The comment period expired as of the close of the last public hearing on August 16, 2011. On August 17, 2011, an additional map was received by the District from Domingo Garcia. While the plan did not comply with the District’s guidelines for public participation, it was nonetheless analyzed and considered by the Board. The major difference with Plan X is that it creates the fourth Hispanic district out of Trustee District 3, and results in three African-American districts with a majority voting age population. It continues to be deficient in that it appears to cause substantial retrogression to District 8 (27.19% SSRV as compared to a benchmark level of 38.25%) without establishing any additional districts in which Citizen Voting Age Hispanics constitute a majority. The plan does maintain District 7 as a majority Hispanic District from an SSRV standpoint. Citizen Plan X and the related demographic report are included as part of this submission as Exhibit U.

**Discussion of Additional Draft Plans Developed by the District**

During the public hearing process trustees continued to suggest ideas for plans. After the close of the public input process, drawing sessions in open meeting were held by the Board of Trustees in order to provide input to its redistricting counsel on August 18, 2011 and on August 23, 2011, and then set a meeting to adopt a plan for August 25, 2011.

Based upon deliberations at the August 18, 2011 and August 23, 2011 work sessions, the Board of Trustees directed its counsel to prepare multiple additional Draft plans based upon the redistricting criteria adopted by the Board of Trustees to present to the public at a public hearing to demonstrate the manner in which the imbalance in population among.
the nine trustee districts could be corrected to satisfy the 10% maximum deviation requirement.

Plans developed by individual trustees or developed as part of the work sessions are discussed below.

**Draft Plan 8**

Draft Plan 8 was developed by Trustee Cowan during the public input phase of the process, in consultation with one of the redistricting counsel, to attempt to unify the West Dallas community in one trustee district (District 7):

The plan was problematic in that it did not incorporate boundary adjustments requested by other trustees around the district, and stranded substantial African-American population in Districts 7 and 8, which lowered the African-American percentages in District 5. The Plan also reduced the SSRV level in District 8 to 36.55%. Draft Plan 8 and the Plan report are included as part of this submission as **Exhibit P**.
Draft Plan 5C

Draft Plan 5C was requested by Trustee Blackburn, and attempted to accomplish the objectives of Draft Plan 8 while incorporating most of the basic plan elements of Draft Plan 5A which contained a composite of trustee requests from around the school district.

In Draft Plan 5C, Trustee District 5 lost a substantial portion of West Dallas in this map configuration and its African-American voting age percentage. Trustee District 6 lost eight precincts (Nos. 3510, 3519, 3520, 3521, 3800, 3801, 3554 and 3556) and it also acquired precinct 4419 and a portion of 4418 as part of the reconfiguration of the West Dallas area in Trustee District 7. However, Plan 5C achieved a substantial equalization of the African-American voting age percentages in Districts 5 and 6, but it slightly reduced the African-American voting age percentage in Trustee District 9 from that achieved in Draft Plan 8. Draft Plan 5C and the Plan report are included as part of this submission as Exhibit P.

The Board of Trustees met in a work session on August 18, 2011 and discussed all of the plans that had been prepared up to this point. A copy of the transcript of this proceeding is included at Exhibit V. The issues in contention at the August 18, 2011 work session revolved around the following:

1. Whether the vote on the plan should be delayed from the scheduled regular meeting on August 25, 2011.
2. Whether it was appropriate for certain territory from Trustee District 6 to be moved in the redistricting process to Trustee District 5.
3. Whether the Citizen Plans provided any compelling reasons for consideration.
4. Whether the Trustees wanted to see alternative plans to those already presented.

No substantive progress was made at this meeting toward resolving any of these points and a follow up work session was then scheduled for August 23, 2011. The following plans were developed after the August 18 work session.

Draft Plan 9 / West Dallas Modified

Draft Plan 9 incorporates further suggestions from Trustee Cowan, Medrano and Morath related to the unification of West Dallas in Trustee District 7, and which were initially laid out in a draft denoted as “West Dallas Modified.” Draft Plan 9 was developed by Trustee Cowan to attempt to further clarify and consolidate the West Dallas Community. This plan was laid out at the Board’s work session on August 23, 2011 and there was substantial discussion of alternative adjustments by the trustees. Draft Plan 9 and the Plan report are included as part of this submission as Exhibit P.

The basic issues in contention during this meeting were as follows:
1. Whether the boundaries between District 1 and 8 should be based on Whole VTDs (as requested by the District 1 trustee) or whether the boundary should be based on splits at the block level as requested by the Trustee from District 8. In other words, the debate revolved around the extent to which VTDs would be split.

2. Whether the boundaries between Districts 3 and 9 would occur as depicted in Plan 8 or whether the adjustment of boundaries in the area would occur along the lines requested by the Trustees from District 3 and 9 in Plan 5A.

3. The extent to which the African-American percentage in District 9 could be enhanced as reflected in Plan 8.

4. The level of reduction in the African-American Voting Age to be sustained by Trustee District 5 as a result of the process and whether it would result in any significant reduction in strength in that district.

5. Whether Trustee District 6 would lose certain territory (and related facilities) based on Draft Plan 8 or whether the territory of District 6 could be reconfigured to the way the Trustee had originally proposed in Draft Plan 5A.

Redistricting Counsel was directed to prepare maps for the scheduled regular board meeting on August 25, 2011.

**Draft Plan 10**

Draft Plan 10 incorporates adjustments to Draft Plan 9 to utilize whole VTDs as the basis for the boundary between Trustee District 1 and 8. Draft Plan 10 and the Plan report are included as part of this submission as Exhibit P.

**Draft Plan 11**

Draft Plan 11 amends Draft Plan 9 by adding back to Trustee District 6 substantially all of the territory contained in that district in Draft Plan A. The only territory that is not added back is precincts 3510, 3519, and 4413 which contain no facilities. It was Trustee Ranger's intention to have Trustee District 6 not lose any facilities as part of the redistricting process. Draft Plan 11 and the Plan report are included as part of this submission as Exhibit P.

**Draft Plan 12**

Draft Plan 12 was prepared by the redistricting consultants at the direction of Trustees Morath and Cowan prior to the August 25, 2011 regular board meeting. The Plan addresses the various concerns raised at the August 23, 2011 work session. Draft Plan 12 and the Plan report are included as part of this submission as Exhibit P. In particular it provides for the following:

1. The plan utilized the block level splits along the boundary between Trustee Districts 1 and 8 to maintain the highest possible percentage in SSRV for Trustee District 8. The Criteria of using whole voting precincts was subordinated in this
area in order to maintain the highest possible voting strength for Hispanic Voters in the Trustee District. The concern was that the District has historically elected the candidates of choice of the Hispanic voters, but the Trustee District was the most severely under-populated and it was difficult to add contiguous territory without diluting the voting strength of the Hispanic community.

2. The boundaries were adjusted between Trustee Districts 3 and 9 to reflect the boundaries suggested by those two trustees in Draft Plan 5A.

3. Trustee District 9 under the plan achieves the African-American voting age population percentage in Draft Plan 9 which Trustee Nutall suggested was an important consideration for the African-American Community in the area.

4. The African-American voting age population percentages for Trustee Districts 5 and 6 were apportioned in such a way that Trustee District 5 remains a strong African-American District (52.19%) while enhancing the African-American voting age population percentage in Trustee District 6 from 49.89% in the Benchmark Plan to 56.45% in this Plan.

5. Trustee District 6 was restored in this plan to substantially the same configuration as requested by Trustee Ranger in Draft Plan 5A except for the loss of four precincts in the Southeast corner (Precincts 3800, 3801, 3554 and 3556 – containing approximately 1600 total persons) and precincts 4404 and 4408 on the Northwest corner of the Trustee District. This resulted in the loss of two facilities in the Wilmer area which was a point of contention between the trustees from Districts 5 and 6 throughout the redistricting process, but which had no impact on the viability of either of the districts from a voting rights standpoint.

At the Regular Board Meeting on August 25, 2011, Trustee Medrano moved for adoption of Draft Plan 12 with the addition of Precinct 1105 (which made certain adjustments to the boundary between Trustee Districts 8 and 1. Trustee Flores (the trustee from District 1) seconded the motion.

After deliberation, Trustee Ranger moved to amend the motion on the table to add precincts 3800, 3801, 3554 and 3556 to District 6 from District 5. The motion failed for lack of a second.

Trustee Cowan then moved to amend the motion on the table to add precincts 3508, 3509 and 4421 to District 5 from District 7 and to add precinct 4440 to District 7 from District 5. The motion was seconded by Trustee Morath. The question was called as to the motion to amend and it passed on a vote of 8-0-1.

Trustee Cowan moved to add precincts 3800, 3801, 3554 and 3556 to District 6 from District 5. Trustee Ranger seconded the motion. Deliberation was held on the amendment and Trustee Ranger further advocated for inclusion of the territory into District 5. After substantial discussion the question was called and the amendment failed.
Thereafter, the question was closed on the main motion on the table to adopt Draft Plan 12 as modified and Draft Plan 12 as amended was adopted with 8 trustees voting for the plan and 1 abstaining.

(1) Copies of newspaper articles discussing the proposed change.

Copies of newspaper articles discussing the proposed changes are attached as Exhibit W.

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared; (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).


(3) Minutes or accounts of public hearings concerning the proposed change.

Minutes and agendas of the Board of Trustees meetings at which the proposed redistricting plan was discussed and/or adopted are attached as Exhibit O. The public hearings were transcribed by an official Court reporter, and those transcripts are attached as Exhibit R.

(4) Statements, speeches, and other public communications concerning the proposed change.

There were no statements, speeches, or other public communications concerning the proposed change other than those comments made at the public hearings as reflected in the transcripts of those public hearings or in the minutes of the public meetings.

(5) Copies of comments from the general public.

No written comments were received.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

Not applicable.
(g) **Availability of the Submission**

Attached as *Exhibit X* is a copy of the public notice which will be posted at the Dallas Independent School District Administration Building stating the availability of the preclearance submission for public inspection. A complete duplicate copy of the submission is available for public inspection during normal business hours at the Dallas Independent School District Administration Building, Dallas, Texas.

(h) **Minority Group Contacts**

Minority group contacts who can be expected to be familiar with the proposed changes or who have been active in the redistricting process are set out in *Exhibit Y*.

It has been the purpose of this submission to provide available relevant information that will be helpful to the Department without unduly burdening the record. Please let me know if there is any underlying data or other information that the Department would find helpful when reviewing this submission.

Thank you for your assistance and consideration.

Respectfully submitted,

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ATTORNEYS FOR THE DALLAS INDEPENDENT SCHOOL DISTRICT

[Signature]

By: David Méndez

cc:  Lew Blackburn, Ph.D.  
     Board President