Redistricting of Board Single Member Districts
What is Redistricting?

Redistricting is the process by which the geographical boundaries of elective districts (e.g., single-member districts) are periodically redrawn in response to changes in population.
Why?

• Texas Education Code Section 11.052(i) requires a school board to re-divide single member districts “if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than 10 percent.”

• The data collected from the 2020 U.S. census will be released later this year, 2021. The results of that census will likely require the District to redraw single member districts.
When?

• Not later than the 90th day before the date of the first regular trustee election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than 10 percent. Texas Education Code § 11.052(i).

• The Board is required to hold May elections.

• Therefore, redistricting for May elections will first be implemented at the May 7, 2022 elections, and the Board must redistrict by February 6, 2022.
When Will Census Data Useful for Redistricting Be Available?*

- COVID-19 is causing operational delays—data is not expected to be released to states until August 16, 2021, continuing through the end of September 2021.
What Has To Be Done?

• Understand legal requirements
• Establish redistricting criteria
• Demographic analysis
• Determine trustee and community input
• Draw and redraw alternative plans
• Public input/comment on plans
• Adopt a plan
What Does the Census Report?

The census reports several different population measures:

- Total population
- Voting Age Population
- Citizen Voting Age Population
Population Measures

Total Population: All persons residing in a jurisdiction on census day—April 1, 2020.

Voting Age Population (VAP): The number of persons on April 1, 2020 who were 18 years of age or older in the jurisdiction.

Citizen Voting Age Population (CVAP): The number of persons on April 1, 2020 who are 18 years of age or older who are citizens in the jurisdiction.
Data Needed for Redistricting is at the Block Level

- **Census block**: The smallest unit of census geography for which population data are counted and reported. Census blocks are delineated by the Census Bureau and are generally bounded by physical features such as roads, creeks, or shorelines, but also may be bounded by non-visible features such as city, county, school district, or voting precinct boundaries.

- **Census block group**: A subdivision of a census tract composed of a group of contiguous census blocks.

- **Census tract**: A unit of census geography delineated by local committees in accordance with census bureau guidelines for the purpose of collecting and presenting decennial census data. Census tracts are made up of block groups. Their boundaries generally follow visible features, though in some circumstances their boundaries may follow governmental unit boundaries or other non-visible features. In general, census tracts contain between 1,000 and 8,000 inhabitants, with an average population of 4,000.
What Questions Should Census Data Be Used to Answer?

- Are SMDs well-balanced?
- Any retrogression since last Census?
- Do SMDs comply with redistricting criteria and principles?
Areas of Law that Impact Analyzing Demographics:

- U.S. & Texas Constitutions
- The Federal Voting Rights Act*
- State Law
The Law

- One person, One Vote
- The Equal Protection Clause, *Shaw v. Reno*, and the Consideration of Race
- Section 2 of the Voting Rights Act
- State Law Requirements
First Consideration: One person, One Vote Requirement

- SMDs must be drawn with substantially equal population
- Avoid overpopulated and under populated districts
- Exact equality of population not required (ideal district population)
Second Consideration: Shaw v. Reno

- 1993 U.S. Supreme Court case that limits the way in which race may be considered.
- Under Shaw, generally, race may not be a predominant factor over traditional redistricting principles.
Statements by trustees, bizarrely shaped, gerrymandered districts can be evidence of impermissible consideration of race.
• Race can be predominant consideration when conditions meet standard test for permissible consideration of race under 14th Amendment (strict scrutiny test)

• “Strict scrutiny” requires showing that racial factors were to:
  • Further a compelling state interest (preventing discrimination); AND
  • Use of these factors was narrowly tailored (only to extent necessary) to accomplish the compelling interest
Meeting the requirements of the Federal Voting Rights Act (VRA), 42 U.S.C. § 1973c, can be a compelling state interest
Third Consideration: The Voting Rights Act (VRA)

- Section 2 of the VRA prohibits a voting qualification, prerequisite, standard, practice or procedure that results in the denial or abridgment of any U.S. citizen's right to vote on account of race, color or status as a member of a language minority group.

- KEY QUESTION: Does the voting qualification, prerequisite, standard, practice or procedure reduce the opportunity of members of a protected minority group to participate in the political process and to elect representatives of their choice?
Section 2 of the VRA focuses on a redistricting plan’s **effect** on protected minority groups rather than the intent of the governing body that enacted the plan.
“Cracking:” Members of a concentrated minority group that are divided between two or more districts who contend that the arrangement violates Section 2 by depriving the group of the ability to elect the candidate of their choice that they would have if left united in a single district.

“Packing:” Minority group members are placed into one or more districts in concentrations clearly in excess of the amount needed to elect the candidate of their choice preventing the group from winning elections in other districts in which the excess minority voters could have been located.
Fourth Consideration: State Law

**SUBSTANTIVE REQUIREMENTS**

- SMDs must be compact and contiguous.
- SMDs must be as “nearly as practicable of equal population.”

Texas Education Code § 11.052 (f)
State Law Procedural Requirements

• At least 70% of trustee positions must be SMDs in an SMD system; meaning, at least five (5) for a seven-member board

• A SMD cannot cross a county precinct in ISDs with an ADA of 150,000 or more students

• Must redistrict if data shows existing districts have a population deviation of more than 10% between the most populous and least populous;

  Texas Education Code § 11.052 (a), (f), (i)
Notice of Board Member Districts

- A school district that changes its boundaries or the boundaries of the districts used to elect its members shall not later than the 30th day after the date the change is adopted:
  - Notify the voter registrar of the county in which the area subject to the change is located of the adopted change; and
  - Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar’s office.

  Tex. Elec. Code § 42.0615
State Law on Transition to New SMD Plan

• All positions are up for election after a redistricting
• Alternatively, incumbent trustees may serve the remainder of their terms and the new plan phased in in the order the Board determines

Texas Education Code § § 11.052 (h); 11.053
Dallas ISD Board Redistricting Process

- Hire a demographer and legal team - May 27, 2021
- Team briefs Board on dates and legal requirements – June 24, 2021
- Obtain input on redistricting criteria – June 24, 2021
- Sets timeline – June 24, 2021
- Discusses and determines public input & role of legal team - June 24, 2021
- Formally adopt a plan for redistricting process – August 12, 2021
- Implement District redistricting process
Criteria for Drawing SMDs

- Use identifiable geographic boundaries for SMD boundaries when possible
- Maintaining communities of interest such as neighborhoods
- Use or account for other political boundaries:
  - Voting precincts
  - Polling places
- Preserve existing SMD boundaries to a degree possible
More Criteria

- Preserve incumbencies
- Adopt SMDs of substantially equal size
- Adopt compact and contiguous districts
- Avoid retrogression
- Make decisions on basis other than race whenever possible to narrowly tailor racial considerations to retrogression issues
<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 24, 2021</td>
<td>Meeting with Board and Trustees to receive information on process; provide input and direction on District process and determine redistricting goals and preferences; confirm timeline; adopt redistricting criteria</td>
</tr>
<tr>
<td>June/July 2021</td>
<td>Redistricting team works with District to finalize redistrict plan and initiate process pursuant to Board input and direction</td>
</tr>
<tr>
<td></td>
<td>Demographer obtains and analyzes current SMD plan and data from District</td>
</tr>
<tr>
<td></td>
<td>Community outreach regarding process</td>
</tr>
<tr>
<td>August – September 2021*</td>
<td>Demographer accesses and analyzes federal decennial census data for 2020 Census; plotting of 2020 Census Data, Change Analysis &amp; Deviation by Demographer; Drafting of initial redistricting plan options by Demographer and presentment to Redistricting legal team</td>
</tr>
<tr>
<td>September – November 2021</td>
<td>Approximately 4-6 board meetings for presentment of initial draft plan options and revised plan options; Public meetings/hearings to receive input on communities of interest for potential SMDs and comment on specific draft plans; Demographer drafts alternative plans based on Board/community input</td>
</tr>
<tr>
<td>October – December 2021</td>
<td>Board reviews and compares draft plans; Possible revisions by Board with assistance from legal team and Demographer</td>
</tr>
<tr>
<td>December 2021</td>
<td><strong>Board adopts final plan through resolution</strong></td>
</tr>
<tr>
<td>January 19, 2022</td>
<td>First Day to File for Place on Ballot</td>
</tr>
<tr>
<td>February 6, 2022</td>
<td>Deadline to Adopt Redistricting Plan</td>
</tr>
<tr>
<td>February 18, 2022</td>
<td>Deadline to File for a Place on the Ballot</td>
</tr>
<tr>
<td></td>
<td>Board deadline to order election.</td>
</tr>
<tr>
<td>May 7, 2022</td>
<td><strong>Election Day</strong></td>
</tr>
</tbody>
</table>
Dallas ISD Board Redistricting Process

- Addressed Board on dates and legal requirements
- Obtained input on redistricting criteria
- Timeline adopted
- Discussed and determined public input & role of legal team
- Return to adopt a plan for redistricting process – August 12, 2021
- Implement Plan
Role of Redistricting Legal Counsel
QUESTIONS?