

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PARENTS INVOLVED IN
COMMUNITY SCHOOLS, a
Washington nonprofit corporation,

Appellant,

vs.

SEATTLE SCHOOLS DISTRICT
NO., 1, a political subdivision of the
State of Washington, et al.,

Appellees.

NO. 01-35450

APPELLEE'S RESPONSE
TO UNOPPOSED
MOTION TO EXPEDITE
HEARING OF APPEAL

COPY RECEIVED

For: _____

MAY 23 2001

Davis Wright Tremaine
By: _____

While defendants/appellees do not oppose expedited consideration of this case, appellant's motion implies agreement with certain propositions stated therein, which are neither accurate nor agreed to by appellees. Without unduly burdening the Court, it is necessary to briefly respond.

First, appellant's motion at page 2 states that as many as 300 students may be adversely impacted by the student assignment plan, and implies that PICS represents the interests of all of those students. The number of students potentially impacted changes every year, and as the record below shows, the number finally

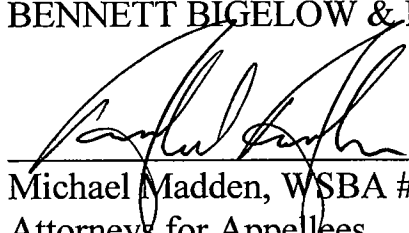
impacted by the integration tie-breaker was for fewer than the 300 initially assigned on that basis in 2000-01. Second, the record is bereft of any information indicating that any PICS members will be impacted in 2002-03.

Second, appellant asserts at page 4 of its motion that the integration tie-breaker has the effect of placing some students in “weaker, less desirable schools because of their races.” As Appellant conceded below, the integration tie-breaker operates so as allow all students, regardless of race, to have the opportunity to attend at least one of the popular high schools in the district. Nor is there any evidence to support the assertion that “[s]uch hardships have compelled many families to take their children out of Seattle’s public schools....” The evidence is that Seattle’s public school enrollment has increased while the plan has been effect.

While appellant’s erroneous assertions are irrelevant to the issue of whether this appeal should be considered on an expedited basis, appellees cannot allow them to go unchallenged.

DATED this 22 day of May, 2001.

BENNETT BIGELOW & LEEDOM, P.S.



Michael Madden, WSBA #8747
Attorneys for Appellees