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Appeal No. 01-35450
District Court No. C00-1205R

AUG 23 2004

In the UNITED STATES COURT OF APPEALS ^{BENNETT BIGELOW}
FOR THE NINTH CIRCUIT & LEEDOM

PARENTS INVOLVED IN COMMUNITY SCHOOLS,

Plaintiff-Appellant,

v.

SEATTLE SCHOOL DISTRICT NO. 1, *et al.*,

Defendants-Appellees.

On Appeal from the United States District Court
for the Western District of Washington at Seattle

**MOTION OF THE COUNCIL OF THE GREAT CITY SCHOOLS,
THE NATIONAL SCHOOL BOARDS ASSOCIATION,
THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
AND THE PUBLIC EDUCATION NETWORK
FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**

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**MOTION OF THE COUNCIL OF THE GREAT CITY SCHOOLS,
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Pursuant to Rule 29 of the Federal Rules of Appellate Procedure, the Council of the Great City Schools (“Council”), the National School Boards Association (“NSBA”), the American Association of School Administrators (“AASA”), and the Public Education Network (“PEN”) hereby move for leave to file a brief as amici curiae in support of Defendant-Appellee Seattle School District No. 1’s petition for rehearing *en banc* of the panel decision issued in this matter on July 27, 2004.¹ As set forth below, this motion should be granted because these parties have a substantial interest in the appeal and because the proposed brief is likely to assist the Court in resolving this matter of general public interest. The appellees Seattle School District No. 1, *et al.*, have consented to this filing of the brief, and counsel for appellant has indicated that it does not oppose this motion.

DISCUSSION

This Court, which has broad discretion in determining whether to grant this motion, would benefit from the expertise and perspective of the education community. As detailed in the Statement of Interest in the proposed brief, the non-

¹ As directed in Federal Rule of Appellate Procedure 29(b), this motion is accompanied by the proposed brief.

party amici are national organizations that represent professional educators with the primary responsibility of providing high-quality education to this country's school children. Accountable for the day-to-day operation of school districts across the country, the amici's members have a particular expertise on the educational benefits of diversity and have a strong interest in giving local school districts the necessary tools to improve teaching and learning.

Considering this expertise and interest, the proposed brief fulfills the "classic role of [an] amicus curiae" by "assisting in a case of general public interest, supplementing the efforts of counsel," and drawing the Court's attention to significant issues in the case. *Miller-Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). The proposed brief addresses the importance of diverse student enrollments and the significant differences between K-12 student assignment and selective university admissions policies. It also stresses the importance of allowing professional educators appropriate discretion to develop and implement effective educational policies. Thus the proposed brief provides valuable insights to assist the Court in the resolution of the legal principles presented by this case.

CONCLUSION

For the foregoing reasons, the Motion for Leave to File Brief as Amici Curiae should be granted.

Respectfully submitted,

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August 17, 2004

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2004, two copies of the foregoing *amici curiae* brief were served on the following by First Class U.S. mail:

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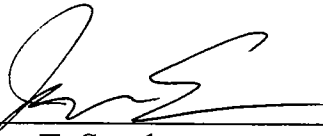
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