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August 31, 2006

The Hon. William K. Suter
Clerk of the Court
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

Re: *Parents Involved in Community Schools v. Seattle Public School District No. 1*,
No. 05-908

Dear Mr. Suter:

On August 21, 2006, Petitioner, Parents Involved in Community Schools, submitted a letter seeking permission to lodge non-record material with the Court. This letter, and the attached affidavit, should replace and supersede that letter.

Petitioner's counsel and Respondents' counsel have conferred, resulting in revisions to the affidavit Petitioner desires to lodge. With these revisions, Respondent's counsel does not object to the lodging of the affidavit.

Therefore, Petitioner requests permission to lodge non-record material with the Court pursuant to S. Ct. R. 32(3), which provides that "[a]ny party or *amicus curiae* desiring to lodge non-record material with the Clerk must set out in a letter, served on all parties, a description of the material proposed for lodging and the reasons why the non-record material may properly be considered by the Court."

As previously noted, Petitioner is an association of parents whose children have been or may be denied admission to the high schools of their choosing because of race. Suggestion has been made by Respondents that there may not be an active case or controversy if Parents no longer has members with school-aged children. *See* Brief in Opposition at pp. 20-21. For the reasons set out in Petitioner's Brief, this suggestion is incorrect. To remove any possible doubt about this issue, Petitioner seeks to lodge an affidavit from the association's president, Ms. Kathleen Brose, that identifies some current members of Petitioner whose children would be affected if the

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District reinstated the race preference at issue in this case. The affidavit is attached to this letter for your consideration.

Respondent's counsel has informed Petitioner's counsel that Respondent does not object to lodging of this affidavit. Petitioner therefore respectfully requests permission to lodge Ms. Brose's affidavit.

Very truly yours,

Davis Wright Tremaine LLP

Harry J. F. Korrell
Counsel of Record for Petitioners

cc: Mike Madden, Counsel of Record for Respondent

IN THE
Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS,

Petitioner,

v.

SEATTLE SCHOOL DISTRICT NO. 1, et al.,

Respondent.

On Writ of Certiorari
to the United States Court of Appeals for the Ninth Circuit

AFFIDAVIT OF KATHLEEN BROSE PURSUANT TO SUP. CT. R. 32.3

Kathleen Brose, being duly sworn, deposes and says:

1. I am the President of the Petitioner in this action, Parents Involved in Community Schools (“Parents”).
2. Parents is an association, incorporated as a nonprofit corporation, whose members are Seattle families with children who have been or in the future may be affected by the District’s race-based student admissions plan. The organization’s corporate purpose is to promote the well-being of community public schools. To that end, Parents seeks public school placement criteria that satisfy equal protection under the law.

3. Several of the families who originally formed Parents have children currently enrolled in high school in the Seattle School District (“District”), including my family (one of my daughters will begin tenth grade this fall and will attend Ingraham High School, provided the District continues to operate school busses from my neighborhood to Ingraham) and the Hack family (which has a child beginning tenth grade and a child beginning twelfth grade this fall).
4. The Tom and Dixie Holmes family joined in 2000, after the suit was filed. Parents’ records show it received a membership check from the Holmes family on December 18, 2000. They have a boy entering eleventh grade. They also have twin boys who attended sixth grade in District schools last year and will be entering seventh grade this fall.
5. Parents attracts new members as children get older and families get closer to decisions about which high school to attend. Since this lawsuit was filed in 2000, additional families have joined Parents as new members later in 2000 and in 2001, 2002, 2003, and more recently as described below.
6. Parents’ membership includes families with children currently in Seattle School District elementary and middle schools who will likely be affected by the District’s race-based plan when applying for high school admission if the District is allowed to use it. Among the membership are the following families:
 - Rob and Amy Jammes, and their three children: a boy entering the second grade this fall, a boy entering kindergarten this fall, and an infant. The Jammes family is white and lives in Seattle’s Magnolia neighborhood. The two older children currently attend school in the Seattle School District. The Jammes family

expressed interest in joining Parents in December 2005, and Parents' records show that it posted a membership check from the Jammes family on January 18, 2006.

- Kathy and Mike Stanley and their three children: a girl entering the fifth grade this fall, a boy entering the fourth grade this fall, and a boy entering the first grade this fall. The Stanley family is white and lives in Seattle's Magnolia neighborhood. All three children currently attend school in the Seattle School District. The Stanley family expressed interest in joining Parents in December 2005, and Parents' records show that it posted a membership check from the Stanley family on January 25, 2006.

Dated this 29th day of AUGUST, 2006.

Kathleen Brose

Kathleen Brose

SUBSCRIBED AND SWORN to before me this 29th day of August, 2006.

Donna L. Alexander

NOTARY PUBLIC in and for the State of Washington
residing at Stamwood

My appointment expires 04-01-09

Print Name Donna L. Alexander

