

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

PARENTS INVOLVED IN COMMUNITY  
SCHOOLS, a Washington nonprofit  
corporation,

*Plaintiff-Counter-Defendant-  
Appellant,*

v.

SEATTLE SCHOOL DISTRICT, No. 1, a  
political subdivision of the State  
of Washington; JOSEPH OLCHEFSKE,  
in his official capacity as  
superintendent; BARBARA SCHAAD-  
LAMPHERE, in her official capacity  
as President of the Board of  
Directors of Seattle Public  
Schools; DONALD NIELSEN, in his  
official capacity as Vice President  
of the Board of Directors of  
Seattle Public Schools; STEVEN  
BROWN; JAN KUMASAKA; MICHAEL  
PRESTON; NANCY WALDMAN, in  
their official capacities as  
members of the Board of  
Directors,

*Defendants-Counter-Claimants-  
Appellees.*

No. 01-35450  
D.C. No.  
CV-00-01205-BJR  
ORDER

Filed February 1, 2005

Before: Mary M. Schroeder, Chief Judge.

**ORDER**

Upon the vote of a majority of nonrecused regular active judges of this court<sup>1</sup>, it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

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<sup>1</sup>Judges McKeown and Gould are recused.



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