

**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 NEILSON, 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  
Western District  
of Washington,  
Seattle  
ORDER

On Remand from the United States Supreme Court

Filed August 22, 2007

Before: Mary M. Schroeder, Chief Circuit Judge,  
Harry Pregerson, Alex Kozinski, Andrew J. Kleinfeld,  
Michael Daly Hawkins, William A. Fletcher,  
Raymond C. Fisher, Richard C. Tallman,  
Johnnie B. Rawlinson, Consuelo M. Callahan and  
Carlos T. Bea, Circuit Judges.

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### **ORDER**

This case was remanded to us from the United States Supreme Court. *See Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct. 2738 (2007). In light of the Supreme Court's decision, we VACATE our opinion in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162 (9th Cir. 2005) (en banc), and REMAND to the district court for further proceedings.



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