

SOUTER, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 05–18

ARLINGTON CENTRAL SCHOOL DISTRICT BOARD
OF EDUCATION, PETITIONER *v.* PEARL
MURPHY ET VIR

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[June 26, 2006]

JUSTICE SOUTER, dissenting.

I join JUSTICE BREYER’s dissent and add this word only to say outright what would otherwise be implicit, that I agree with the distinction he draws between this case and *Barnes v. Gorman*, 536 U. S. 181 (2002). See *post*, at 10–11 (citing *Barnes*, *supra*, at 191 (SOUTER, J., concurring)). Beyond that, I emphasize the importance for me of §4 of the Handicapped Children’s Protection Act of 1986, 100 Stat. 797, as amended, 20 U. S. C. A. §1415 note, which mandated the study by what is now known as the Government Accountability Office. That section, of equal dignity with the fee-shifting provision enacted by the same statute, makes JUSTICE BREYER’s resort to the related Conference Report the reasonable course.