

O'CONNOR, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

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No. 01-332

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BOARD OF EDUCATION OF INDEPENDENT SCHOOL  
DISTRICT NO. 92 OF POTTAWATOMIE COUNTY,  
ET AL., PETITIONERS *v.* LINDSAY EARLS ET AL.

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

[June 27, 2002]

JUSTICE O'CONNOR, with whom JUSTICE SOUTER joins,  
dissenting.

I dissented in *Vernonia School Dist. 47J v. Acton*, 515 U. S. 646 (1995), and continue to believe that case was wrongly decided. Because *Vernonia* is now this Court's precedent, and because I agree that petitioners' program fails even under the balancing approach adopted in that case, I join JUSTICE GINSBURG's dissent.