

**CASES ADJUDGED**  
IN THE  
**SUPREME COURT OF THE UNITED STATES**

AT  
OCTOBER TERM, 2007

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BOARD OF EDUCATION OF CITY SCHOOL DISTRICT  
OF CITY OF NEW YORK *v.* TOM F., ON BEHALF  
OF GILBERT F., A MINOR CHILD

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

No. 06–637. Argued October 1, 2007—Decided October 10, 2007

193 Fed. Appx. 26, affirmed by an equally divided Court.

*Leonard J. Koerner* argued the cause for petitioner. With him on the briefs were *Michael A. Cardozo*, *Edward F. X. Hart*, and *Drake A. Colley*.

*Paul G. Gardephe* argued the cause for respondent. With him on the brief were *Carrie A. Syme* and *Alexis Gander Deise*.

*Deputy Solicitor General Garre* argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Solicitor General Clement*, *Assistant Attorney General Kim*, *Jonathan L. Marcus*, *Diana K. Flynn*, *Lisa J. Stark*, and *Kent D. Talbert*.\*

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\*Briefs of *amici curiae* urging reversal were filed for the Council of the Great City Schools et al. by *Julie Wright Halbert* and *Pammela Quinn*; for the National School Boards Association et al. by *Maree F. Sneed*, *John W. Borkowski*, *Audrey J. Anderson*, *Catherine E. Stetson*, *Jessica L. Ells-*

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE KENNEDY took no part in the decision of this case.

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*worth, Francisco M. Negrón, Jr., and Naomi Gittins; for the New York State School Boards Association by Jay Worona and Pilar Sokol; and for the U. S. Conference of Mayors et al. by Richard Ruda and Donald B. Ayer.*

Briefs of *amici curiae* urging affirmance were filed for Agudath Israel of America by *David Zwiebel*; for Autism Speaks by *Robert H. Pees* and *Gary S. Mayerson*; for the Council of Parent Attorneys and Advocates et al. by *Ankur J. Goel*; for the International Dyslexia Association, Inc., et al. by *Paul M. Smith*; and for the National Disability Rights Network et al. by *Beth S. Brinkmann, Seth M. Galanter, and Linda A. Arnsbarger.*