

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Shawn Banks o/b/o D.B., a minor,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-990 (RBW)
)	
District of Columbia,)	
)	
Defendant.)	
)	

ORDER

For the reasons that are set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the plaintiff's Motion for Summary Judgment **DENIED** without prejudice. It is further

ORDERED that the defendant's Cross-Motion for Summary Judgment is **DENIED** without prejudice. It is further

ORDERED that this case is remanded to the administrative hearing officer to make a determination as to whether the School System's failure to provide all of the services in D.B.'s Individualized Education Program constituted a denial of a free appropriate public education, and to articulate the reasons for his determination within sixty (60) days of the issuance of this Order. If the hearing officer finds that a violation occurred, he must determine what constitutes an appropriate compensatory education award for D.B.

SO ORDERED this 6th day of July, 2010.

_____/s/_____
Reggie B. Walton
United States District Judge