

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

|                                 |                              |
|---------------------------------|------------------------------|
| MARCUS I., by and through his ) | CIV. NO. 10-00381 SOM-BMK    |
| parent and next best friend, )  | CIV. No. 12-00342 SOM-BMK    |
| KAREN I., )                     |                              |
| Plaintiffs, )                   | ORDER REMANDING ISSUE OF     |
| vs. )                           | HOUSING REIMBURSEMENT AMOUNT |
| DEPARTMENT OF EDUCATION, )      | TO HEARING OFFICER           |
| State of Hawaii, )              |                              |
| Defendant. )                    |                              |
| _____ )                         |                              |

ORDER REMANDING ISSUE OF HOUSING  
REIMBURSEMENT AMOUNT TO HEARING OFFICER

On July 23, 2014, the Ninth Circuit issued a decision that included the following statement:

Accordingly, we reverse the district court's denial of Marcus's claim for reimbursement of his housing expenses as a necessary related service while he was at Loveland Academy pursuant to the IDEA's stay-put provision from November 2007 through the pendency of these proceedings. We remand to the district court with instructions to remand to the hearing officer to determine the proper amount of reimbursement. We otherwise affirm the district court's order.

This court accordingly remands the reimbursement issue to the hearing officer. The Clerk of Court is directed to stay this action while the reimbursement issue is pending before the hearing officer and to administratively close this case. If an appeal is filed from the hearing officer's decision on the reimbursement issue, that appeal shall be filed under the civil number in the present case.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 22, 2014.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
Chief United States District Judge

Marcus I. v. Department of Education, Civ. No. 12-00342 SOM-BMK,  
Civil No. 10-00381 SOM-BMK, ORDER REMANDING ISSUE OF HOUSING  
REIMBURSEMENT AMOUNT TO HEARING OFFICER