

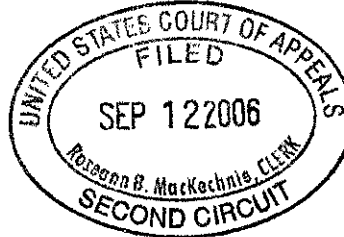
MANDATE

EDNYTBKRY
03-CV-2489
TRAGER

United States Court of Appeals
FOR THE
SECOND CIRCUIT
JUDGMENT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 12th day of September, two thousand and six.

Before: Hon. Jon O. Newman,
Hon. Guido Calabresi,
Hon. Peter W. Hall,
Circuit Judges.



Docket No. 04-2542-cv

D.D., a minor, by and through his Parent and Next Friend, V.D.; A.C., a minor, by and through his Parent and Next Friend, V.S.; B.T., a minor, by and through his Parent and Next Friend, D.N., individually and on behalf of others similarly situated,

Plaintiffs-Appellants,

v.

NEW YORK CITY BOARD OF EDUCATION; NEW YORK CITY DEPARTMENT OF EDUCATION; JOEL KLEIN; ANGELO GIMONDO, DR., Superintendent, Community School District 30; NELLY REAL-KORB, Chairperson, Committee on Preschool Special Education District 30; RICHARD P. MILLS, Commissioner of the New York State Education Department; CITY OF NEW YORK; JOE BLAIZE, Chairperson, CPSE District 29; BETH MARINO, Chairperson, CPSE District 25 and MICHELLE FRATTI, Superintendent, Community School District 25,

Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and it hereby is VACATED and REMANDED for further proceedings in accordance with the opinion of this Court.

FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by

Tracy W. Young
Tracy W. Young
Motions Staff Attorney

A TRUE COPY
Thomas W. Asreen, Acting Clerk

Clammy Martinez
DEPUTY CLERK

Issued as Mandate:

2-28-07