

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 97-1725

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THELMA TYSON, an individual,

Plaintiff - Appellant,

and

TIJUAN TYSON, a minor, by next friend and  
legal guardian, Thelma Tyson,

Plaintiff,

versus

KANAWHA COUNTY BOARD OF EDUCATION, a county  
and state agency; SPECIAL EDUCATION DEPART-  
MENT; WILLIAM RUSSELL; JANE HARBERT; KATE  
MIDDLETON, a/k/a Middleton, in their individ-  
ual capacity and in their official capacity as  
employees of the Kanawha County Board of  
Education,

Defendants - Appellees.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Charleston. Dennis Raymond Knapp,  
Senior District Judge. (CA-96-904-2)

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Submitted: August 13, 1998

Decided: August 28, 1998

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Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Thelma Tyson, Appellant Pro Se. Charles R. Bailey, Belinda B. Jackson, SHUMAN, ANNAND & POE, Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order dismissing this action under the Individuals with Disabilities Education Act, 20 U.S.C. § 1415(e) (1994), and their pendant claims of civil rights violations. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Tyson v. Kanawha Cnty Bd. Educ., No. CA-96-904-2 (S.D.W. Va. Apr. 29, 1997). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED