

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2510

Michael Asbury; Kathryn Asbury,
parents of Daniel Asbury;

Plaintiffs-Appellants,

United States of America,

Intervenor Plaintiff,

v.

Missouri Department of Elementary
and Secondary Education,

Defendant-Appellee.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: April 12, 2001
Filed: April 18, 2001

Before BOWMAN and FAGG, Circuit Judges, and VIETOR,* District Judge.

PER CURIAM.

The parents of Daniel Asbury, an autistic child, brought this action under the Individuals with Disabilities Education Act and the Rehabilitation Act against the

*The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa, sitting by designation.

Missouri Department of Elementary and Secondary education (DESE). The Asburys allege the DESE violated its duty to prepare its personnel to evaluate and educate children with autism by acquiring and disseminating knowledge and adopting appropriate practices. According to the Asburys, this failure contributed to a delay in Daniel's diagnosis and in the implementation of appropriate services for him. The district court** granted summary judgment in favor of the DESE. On appeal, the Asburys argue the district court committed error in granting summary judgment. Having carefully reviewed the record, we disagree and affirm on the basis of the district court's thorough, 101-page decision. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

**The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.