



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Education

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 126-
RULE NAME Autism Mentor 146A

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, March 18, 2013 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Ghaski Browning, Assistant Director
WVDE Office of Special Programs
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-146A



Rule Id: 8912



Document: 24609



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Education**

RULE TYPE **Legislative Exempt** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **126-**

RULE NAME **Autism Mentor** **146A**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

The proposed revisions clarify the process for individuals seeking to become autism mentors. The standards and criteria will enable WVDE and the LEAs to consistently determine whether an individual meets the applicable standards for autism mentor and when the classification becomes effective. The policy will provide direction to address employee grievances related to the autism mentor classification.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Education

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 126-
RULE NAME Autism Mentor 146A

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

No state costs or revenues will be impacted by the proposed revision to 126CSR 146A, Policy 5314.01: Autism Mentor.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-146A



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-
RULE NAME Autism Mentor 146A

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Education

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 126-
RULE NAME Autism Mentor 146A

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The revisions further clarify existing policy contributing to more efficient and effective implementation at no additional cost.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-146A



Rule Id: 8912



Document: 24609

EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 5314.01 *Autism Mentor*

Background: Policy 5314.01 establishes standards for the autism mentor classification under W.Va. Code §18A-4-8. Although it is not in policy, individuals seeking to obtain this classification complete staff development and apply to the WVDE Office of Special Programs for verification they have met the training requirement. Experience requirements and other qualifications for the classification are determined by the local educational agency (LEA) in which the aide is employed. Current policy lists four standards to be met, but it does not delineate the procedures, criteria and agency responsible for determining whether the standards are met. The revisions were developed in response to requests for clarification from LEAs and from individuals seeking to become autism mentors. A list of groups and individual stakeholders having input into the proposed revisions is attached.

Proposals: Policy 5314.01 is revised to specify the procedures and criteria for an aide to meet the standards and qualifications of an autism mentor and to designate the agency (LEA or WVDE) responsible for verifying whether the standards have been met. This policy is aligned to Policy 2419: *Regulations for the Education of Students with Exceptionalities*. It is proposed the revised policy be placed on public comment

Revisions to Policy 5314.01 are being recommended to address state code and to provide direction regarding the autism mentor classification. The revisions include:

- Section 3.1: Specifies the LEA is responsible for verifying whether the individual meets “Aide III” qualifications, and maintaining documentation in the aide’s personnel file.
- Section 3.2: Defines successful completion of a staff development program, including number of hours and specific training required, timeline for completion and submission of documentation to WVDE for verification.
- Section 3.3: Requires two years of experience providing supports to an eligible student with autism under the supervision of a certified special education teacher. Defines a school year as 133 instructional days and eligible student with autism as determined by the Eligibility Committee (EC) under Policy 2419.
- Section 3.4: Physical ability and stamina necessary to complete job tasks is determined by the LEA.
- Section 3.5: The new section specifies when an aide is eligible to apply for the position of autism mentor and when the classification becomes effective.

Impact: The proposed revisions clarify the process for individuals seeking to become autism mentors. The standards and criteria will enable WVDE and the LEAs to consistently determine whether an individual meets the applicable standards for autism mentor and when the classification becomes effective. The policy will provide direction to address employee grievances related to the autism mentor classification.

Stakeholder's Contributing to Proposed Revisions to Policy 5314.01 Autism Mentor

West Virginia Autism Collaborative Community of Practice – October 20, 2011
Superintendent's Fall Leadership Institute – October 26, 2011
Special Education Director's Friday List Serve – October 28, 2011
West Virginia Advisory Council for the Education of Exceptional Children – November 4, 2011
Rosemary Jenkins, American Federation of Teachers – November 9, 2011
Dale Lee and Anita Maxwell, West Virginia Education Association – November 10, 2011

Individual Comments:

Robert G. Bartlett, Special Education Director, RESA 1 – October 26, 2011
Lynne Shroads, Special Education Director, Hancock County – October 28, 2011
Lisa Martin, Special Education Director, Jackson County – October 28, 2011
Suzan Smith, Superintendent, Hancock County – October 30, 2011
Angela Carvelli, Special Education Coordinator, Harrison County – October 31, 2011
G. Ronald Brown, Special Education Director, Berkeley County – November 4, 2011
JoDonna Burdoff, Coordinator, WVDE – November 7, 2011
Jackee Long, President, WVSSPA – November 11, 2011

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 146A
AUTISM MENTOR (5314.01)**

§126-146A-1. General.

1.1. Scope. - This policy provides the mandated standards for the service personnel class title "Autism Mentor".

1.2. Authority. - W. Va. Constitution, Article XII, Section 2, and W. Va. Code §18-2-5 and §18A-4-8.

1.3. Filing Date. -- .

1.4. Effective Date. .

1.5. Repeal of Former Rule. - This legislative rule repeals and replaces W. Va. 126CSR146A, West Virginia Board of Education Policy 5314.01, Autism Mentor, filed August 25, 1992, and effective September 26, 1992.

§126-146A-2. Purpose.

2.1. The purpose of this policy is to establish standards for the position of Autism Mentor.

§126-146A-3. Standards and Experience.

3.1. Meet the qualifications of "Aide III" as delineated in W. Va. Code §18A-4-8.

3.1.a. The Local Educational Agency (LEA) is responsible for verifying this standard and documentation is to be maintained in the aide's personnel file.

3.2. Successful completion of a staff development program related to providing instructional supports to students with autism as determined by the West Virginia Department of Education (WVDE) and delineated in the WVDE's *Guidelines for Best Practices Autism Spectrum Disorders: Services in West Virginia Schools*.

3.2.a. The WVDE is responsible for verifying this standard.

3.2.a.1. For each hour of training completed, one-half point per hour will be awarded.

3.2.a.2. A minimum of 15 points (or 30 hours of training) must be earned and verified in order for a candidate to meet this requirement.

3.2.a.3. Training is required on the use of restraint and must include prevention and de-escalation techniques with alternatives to the use of restraint.

3.2.a.4. Training must have been completed within a three year period and documentation submitted to the Office of Special Programs for review and consideration. Training over three years old will not be considered.

3.2.a.5. Points awarded for this item will be determined by the Office of Special Programs after proper documentation of approved training is submitted to the WVDE.

3.2.a.6. The documentation shall, at a minimum, include the name of training, date of training, number of hours, agency providing training and shall include the signature of the training sponsor or designee.

3.2.b. Upon completion of the analysis of the documentation submitted, the employee and LEA personnel director will receive a letter verifying whether the state requirements for this standard have been met.

3.3. Two (2) years of successful experience providing instructional supports to a student(s) with autism under the supervision of a certified special education teacher.

3.3.a. The LEA is responsible for verifying this standard.

3.3.b. A school year equals 133 instructional days, therefore, 266 cumulative days of providing instructional support to eligible students with autism is needed to satisfy this requirement.

3.3.c. A student must be an eligible student with autism for the time the aide provided instructional supports in order for the experience to be counted. The student's eligibility as a student with autism is determined and documented by the Eligibility Committee (EC) in accordance with Policy 2419: *Regulations for the Education of Students with Exceptionalities*. If a student had a change in EC determination to or from autism while the aide was providing instructional supports, the aide will receive credit only for experience during the time the student was an eligible student with autism as determined by the EC.

3.3.d. Dates for the time period for which credit for working with students with autism is requested must be documented.

3.3.e. Documentation of this standard is to be kept in the aide's personnel file.

3.4. Physical ability and stamina necessary to complete all job tasks, including tasks related to ensuring student safety.

3.4.a. The LEA is responsible for verifying this standard.

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3.4.b. Documentation of this standard is to be kept in the aide's personnel file.

3.5. Upon completion of the requirements delineated in this policy and when standards have been met, an aide is eligible to apply for the position of autism mentor.

3.5.a. Successful completion of the standards does not automatically result in a change of classification or pay grade. An aide will be classified and paid as an autism mentor only when he or she is employed in the posted position.

§126-146A-4. Severability.

4.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

126CSR146A

POLICY 5314.01: Autism Mentor

COMMENT PERIOD ENDS: MARCH 18, 2013

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 5314.01: Autism Mentor. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| ☐ School System Superintendent | ☐ School System Staff | ☐ Parent/Family |
| ☐ Principal | ☐ Teacher | ☐ Business/Industry |
| ☐ Professional Support Staff | ☐ Service Personnel | ☐ Community Member |

COMMENTS/SUGGESTIONS
§126-146A-1. General.
§126-146A-2. Purpose.

126CSR146A

§126-146A-3. Standards and Experience.

§126- 146A-4. Severability.

Comments may be submitted online or may be directed to:

Ghaski Browning, Assistant Director
Office of Special Programs
West Virginia Department of Education
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: glee@access.k12.wv.us
Fax No.: (304) 558-3741