



**WEST VIRGINIA
SECRETARY OF STATE**

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ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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)

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS

Monday, May 13, 2013

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: 24708

126CSR146A

**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. - April 11, 2013.

1.4. Effective Date. - May 13, 2013.

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.

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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 classroom instructional supports to a student(s) with autism under the supervision of a fully certified special education teacher.

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

3.3.b. A year is defined as a minimum of 133 instructional days in any one school year, verified at the end of the school year.

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 W. Va. 126CSR16 West Virginia Board of Education 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.

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 verified as met, an aide is eligible to apply for the position of autism mentor.

3.5.a. To receive the autism mentor pay grade, an aide must be employed in an autism mentor 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.