

Autism Mentors; As if Determining the Classification Weren't Already Hard Enough

August 24, 2011

[Jason S. Long](#), [Denise M. Spatafore](#)

Over the years, the Autism Mentor classification seems to have caused some personnel headaches for administration. For example, there have been issues of how to determine the two years of working experience with autistic students. [Carr v. Tucker County Bd. of Educ.](#) There have been issues when a county needs to reduce the total number of aides, and an aide who is multi-classified as Aide/Autism Mentor, is less senior than a regular aide, and the less senior aide is placed on reduction in force. [Taylor v. Pocahontas County Bd. of Educ.](#) The State Superintendent of Schools has issued [interpretations](#) on Autism Mentor personnel situations. And, the West Virginia Legislature has addressed a number of issues, including a provision that a county board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students. [W. Va. Code 18A-4-8\(r\)](#)

We all know that to qualify as an Autism Mentor, an employee must be qualified to serve as an Aide II, be physically able to work with autistic students, have two years of experience working with autistic students, and have fifteen hours of training in the area of working with autistic students. [West Virginia Department of Education Policy No. 5314.01](#).

But recently, the West Virginia Public Employees Grievance Board issued two decisions that make determining the Autism Mentor classification even more difficult. In those decisions, you had the following:

Issue: The board of education had an employee certified as an autism mentor, but working in the aide classification in a kindergarten classroom. The employee worked in a classroom where there happened to be a student with the exceptionality of autism. That student's IEP did not require an autism mentor. The position at issue was posted as a classroom aide, and the employee has never bid on an Autism Mentor position.

Question: Do you reclassify this employee to the Autism Mentor title, if that employee previously met all the policy requirements, and happens to be in a classroom where there is an autistic student?

In these decisions, [Sutton v. Hancock County Bd. of Educ.](#), and [Dalesio v. Hancock County Bd. of Educ.](#), the board of education was directed to reclassify the employees and pay them at the Autism Mentor paygrade. Although the employees were in the respective classrooms originally as aides, because there was an autistic student in each classroom they were working in, regardless if the students' IEP did not call for an autism aide, the employees are entitled to the Autism Mentor classification. Interestingly, the State Superintendent's [interpretation](#) referenced

above appears to conflict with these rulings, in that the interpretation discusses how an aide who had met the qualifications of Autism Mentor, but had not been “employed” as an Autism Mentor, would not obtain that classification without applying for and receiving a “promotion.”

These recent decisions make the determining of the Autism Mentor classification even more difficult, and at this time may require the personnel offices to review what employees are assigned to what classrooms, to ensure, among other things, that a more senior Autism Mentor (or even a more senior aide who is certified as an Autism Mentor but not working in the classification) are appropriately assigned and classified. Personnel departments are encouraged to work closely with special education departments to ensure that only those aides who have qualified as Autism Mentors are assigned to work with students having that diagnosis. Because of these recent rulings, it is likely that any employees who have met the Autism Mentor qualifications, who are working in classrooms with autistic children, will be seeking and expecting to be reclassified. Therefore, it is incumbent on administrators to pay close attention to where autistic students are assigned and what employees are expected to work directly with them.

Should you have any questions on this issue or any issues please feel free to contact a member of [Dinsmore & Shohl's Education Law Practice Group](#).