

# 2015 State Autism Profiles WEST VIRGINIA

## DEMOGRAPHICS

In 2000, 326 or 0.65% of children ages 3-21 who received special education services in West Virginia have autism. In 2013-2014, 1,742 or 3.93% of children with disabilities ages 3-21 who received special education services have autism.

**Table 1-1: IDEA Part B - Children with Autism in West Virginia for 1999-2000 and 2013-2014**  
(Child Count by Age Group)

	1999-2000	2013-2014
Age 3-5	14	75
Age 6-11	202	878
Age 12-17	89	673
Age 18-21	21	116
Age 6-21	312	1,667
Age 3-21	326	1,742

*Source: Reported by the State of West Virginia in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs*

**Table 1-2: IDEA Part B - Children with Disabilities in West Virginia for 1999-2000 and 2013-2014**  
(Child Count by Age Group)

	1999-2000	2013-2014
Age 3-5	5,445	5,363
Age 6-11	22,694	20,297
Age 12-17	19,947	16,523
Age 18-21	2,247	2,192
Age 6-21	44,888	39,012
Age 3-21	50,333	44,375

*Source: Reported by the State of West Virginia in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs*

## STATE TASK FORCE

The State of West Virginia does not have an active task force on autism at this time.

## STATE INSURANCE COVERAGE

On April 1, 2011 the Governor Earl Ray Tomblin signed H.B. 2693 (2011 W. Va. Act, Chap. 13) into law requiring specified health insurers, including the state's Children's Health Insurance Program (CHIP), to provide coverage for the diagnosis and treatment of autism spectrum disorders in individuals from the age of 18 months through 18 years. To be eligible for coverage, the individual must be diagnosed with autism spectrum disorder at age 8 or younger. Coverage includes treatments that are medically necessary and ordered or prescribed by a licensed physician or licensed psychologist, including but not limited to Applied Behavioral Analysis (ABA). There is a maximum annual benefit for ABA of \$30,000 for the first three years after diagnosis. After the third year the benefit may not exceed \$2,000 a month until the individual reaches 18 years of age.

In April 2012, Gov. Tomblin signed H.B. 4260 clarifying the 2011 autism insurance reform law. H.B. 4260 provides that the \$30,000 annual cap on benefits for Applied Behavior Analysis (ABA) applies only to ABA, not for all benefits received. This law took effect on June 8, 2012.

## ESSENTIAL HEALTH BENEFITS

Under the Affordable Care Act, West Virginia will offer autism services including applied behavior analysis (ABA) in its Essential Health Benefits package. The benchmark plan has categorized ABA under the "mental health services" essential health benefit. There is a dollar limit on ABA coverage. The exchange is being run by the federal government.

(Highmark Blue Cross Blue Shield West Virginia; Super Blue Plus 2000)

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## EDUCATION

West Virginia defines autism as a developmental disability that severely affects communications and social interactions. To qualify for special education, a student with autism must undergo an evaluation before a multidisciplinary team. The potential student must display a minimum of six symptoms from three different categories. The student must show at least two symptoms of extreme difficulties in the social relationships category and at least one symptom of impairment of communications. The student must also display at least one symptom of displaying a preoccupation with objects, sensations, rituals, and routines. The student with autism must have been diagnosed as having autism, show that his/her condition adversely affects their educational performance, and needs special education. The student's educational performance also cannot be primarily affected by an emotional or behavioral disorder. (*Policy 2419: Regulations for the Education of Students with Exceptionalities*, West Virginia Board of Education, p. 24) <http://wvde.state.wv.us/osp/autism.html>

## EDUCATION PROGRAM AND ACTIVITIES

### *The West Virginia Autism Training Center*

A state training center on autism was established by law at Marshall University. The center provides training programs, workshops, and resources to educators of students with autism, parents, and others interested in autism. The center provides support services to families and operates the West Virginia Autism Spectrum Disorders Registry. (*West Virginia Code §18B-11A*) <http://www.marshall.edu/atc/>

## OTHER STATE RESOURCES

### *Autism Trust Funds*

On June 2, 2009, Governor Joe Manchin signed S.B. 1009 into law, establishing a tax credit for parents and guardians of children with autism for the creation of trust funds. For a qualifying contribution to a trust fund that benefits the child, the parent, or guardian's federally adjusted gross income may be reduced by a maximum of \$2,000 per year for persons who are married and filing jointly or \$1,000 per year for persons who are filing individually or who are married and filing separately. These provisions are effective for taxable years on or after January 1, 2011. Trust funds will only qualify after approval by the West Virginia Children with Autism Trust Board.

<http://www.legis.state.wv.us/wvcode/code.cfm?chap=44&art=16>

## STATE LEGISLATIVE CALENDAR

The West Virginia Legislature meets in Regular Session annually on the second Wednesday of January. The 2015 Legislative Session convened on January 14, 2015 and adjourned on March 14, 2015. The 2016 session is expected to convene on January 13, 2016 and adjourn by March 12, 2016.

<http://www.legis.state.wv.us/>

### *Sponsors of Autism Legislation*

Sen. Jeffery V. Kessler (D-Marshall) District 2

Rep. Don Perdue (D-Wayne) District 19

Rep. Tim Miley (D-Harrison) District 48

Rep. Barbara Evans Fleischauer (D-Monongalia), District 51