



NY State Education Department Special Class Variance Request Instructions and Sample Variance Request

In order to expedite the review and processing of your variance request, please complete the items listed below.

- (1) The attached worksheet (duplicate as necessary, and do not change format); and
- (2) A narrative which includes:
 - student(s) name and date(s) of birth;
 - age of student (i.e. 12.6);
 - grade of student;
 - type of variance requested;
 - number of students in class;
 - age range of class;
 - disability classification within class;
 - class size/staffing ratio;
 - related services provided;
 - participation in regular education;
 - description of the class according to the following four areas: 1) learning rate and academic performance; 2) social development; 3) physical development; and 4) management needs;
 - description of the student for whom variance is requested according to the four criteria;
 - description of the student: classification, reading and math grade functioning levels, social/emotional functioning;
 - alternative options available if the variance is not approved; and
 - plan of correction for the next school year.

A sample variance narrative is included as an example of “documented educational justification” and of the expected level of detail.

Sample Special Class Size Variance Narrative

Student's Name: student's age:DOB:	Bobby D. (age) (mo/day/yr)
Type of Variance:	Maximum number of students – The student would be the 13 th student in this 12:1:1 class.
Number of Students:	12
Grade of Student	6 th
Grade range of class:	5 th – 6 th
Age Range in Class:	27 months (indicate youngest DOB mo/yr – oldest DOB mo/yr)
Disability:	Students have disability classifications of Learning Disability, Emotional Disturbance, and Speech or Language Impairment
Class size/Staffing Ratio:	12:1:1 In addition, one student is assigned a full-time one-to-one aide.
Related Services:	Eight students receive individual counseling, nine students receive small group counseling, and four students receive speech.
Participation in General Education:	Five students are in general education classes for two periods; two students are in general education classes for three periods; two students are in general education classes for four periods. All students also have two PE periods per week. The student for whom the variance is requested is in general education classes for two periods each day.

<p>Description of the Class:</p>	<p>Learning rate and education performance – Two students are reading on a beginning 5th grade level; six students are reading on a mid-4th grade level and require reinforcement and repetition of the material, four students are reading on a 6th grade level and retain concepts more readily when subject matter is presented verbally. Three students are functioning on a mid-4th grade math level, five students are functioning on a beginning 5th grade math level, two students are on a beginning 5th grade math level, and two students are on a mid-6th grade level.</p> <p>Social development – All students have difficulty developing appropriate peer relationships, lack self-confidence and have difficulty understanding cause and effect.</p> <p>Physical development – within normal range for junior HS students.</p> <p>Management needs – the students require a great deal of adult support and structure in order to maintain appropriate behavior; they still need extra help dealing with social situations. The teacher and counselor are helping the students learn appropriate behavior.</p>
<p>Description of the Student:</p>	<p>The student for whom the variance is being requested is functioning academically in the middle of the class in reading, and in the lower end in Math. He is classified as having a Learning Disability. Socially and emotionally, he benefits from the smaller class, and gets along with his peers. He has just been recommended for this program in February. It is the only class available for his age range and academic level, and this is his home zone school. He should remain in his home zone school and receive the supports needed.</p>
<p>Other Available Options:</p>	<p>If the student is denied the variance, he would be placed outside of his home zone school. We feel this would be a less desirable alternative because that would remove this student from his neighborhood school and the opportunity to be educated with his peers.</p>
<p>Correction of the Problem for the Following School Year:</p>	<p>Some of the students in the class will be moving to less restrictive programs, so there will be available seats in the class to keep the class within the regulatory maximums.</p>

Special Class Size Variance Narrative

Student's Name: Student's Age: DOB:	
Type of Variance:	Indicate maximum number of students – The student would be the 13 th student in this class.
Number of Students:	13
Grade of Student:	
Grade range of class:	
Age Range in Class:	(youngest DOB mo/yr – oldest DOB mo/yr)
Disability:	Students have disability classifications of
Class size/Staffing Ratio:	
Related Services:	
Participation in General Education:	
Description of the Class:	Learning rate and education performance – Social development – Physical development– Management needs –
Description of the Student:	The student for whom the variance is being requested is functioning on ____ grade level in math and ____ grade level in

	reading (or middle of the class in X and lower end in Y). He is classified Socially and emotionally,
Other Available Options:	If the student is denied the variance,
Correction of the Problem for the Following School Year:	

Checklist for Organizing Resources (CORe)



REASON FOR COMPLETING CORE

NOTE: CORe is a tool designed to help schools assess existing resources in order to plan programs and services to meet the needs of current and incoming students. Your Administrator on Special Education (ASE) will assist you by reviewing the CORe and offering recommendations and resources, if needed, on how to best meet students' needs. If needed, other Borough Field Support Center staff will also review the CORe and offer recommendations and resources on how to best meet students' needs. The Central team will only review a CORe if the ASE and appropriate BFSC staff are unable to resolve the matter.

- Proactive planning for next year
- Need resources to create a new program and/or hire additional staff
- Variance Request
 - SC
 - ICT

BFSC	Click here to enter text.
School DBN:	Click here to enter text.
Student Name:	Click here to enter text.
OSIS:	Click here to enter text.
Grade:	Click here to enter text.

CONTACT INFO

	Name	Title	Email
School Contact:			
ASE Contact:			
BFSC Contact:			
Supervisor of Psychologist (if D75 rec)			
Other:			

REQUIRED DOCUMENTATION RELATED TO REQUEST

If requesting resources to create a program and/or hire additional staff

The following information is attached to this CORE (as appropriate):

- FBA, BIP and progress monitoring notes
- Student flexible programming template
- Teacher schedules and programs

The following individuals have reviewed and attempted to resolve this CORE:

ASE verified all information and was unable to resolve schools' concern. ASE escalated to BFSC Special Education Deputy for review and recommendations.

ASE reviewer: Click here to enter name.

Date: Click here to enter a date.

All relevant BFSC Deputies verified information and were unable to resolve school's concern. BFSC Special Education Deputy submitted to central at CORE@schools.nyc.gov for review and recommendations.

BFSC reviewer(s): Click here to enter name.

Date: Click here to enter a date.

If requesting a class size variance:

The following information must be confirmed before submitting a variance request:

- Review all IEPs of SwDs in class for which variance is being requested
- Class was in compliance at the beginning of the school year
- Appropriate Notice of Request was used and filled out correctly
- Academic levels of the students are reported in grade level format (e.g. 3rd grade level math; 2nd grade level reading).
- ICT Variance by Notification is being submitted to the Special Education Office at Central within 10 days of placing the 13th student in the ICT class.

The following individuals have reviewed and attempted to resolve this CORE:

ASE verified all information and was unable to resolve schools' concern. ASE escalated the BFSC Special Education Deputy for review and recommendations.

ASE reviewer: Click here to enter name.

Date: Click here to enter a date.

All relevant BFSC Deputies verified information and were unable to resolve school's concern. BFSC Special Education Deputy submitted to central at CORE@schools.nyc.gov for review and recommendations.

BFSC reviewer(s): Click here to enter name.

Date: Click here to enter a date.

Serving all Students: Checklist for Organizing Resources (CORE)

The CORE Checklist is a tool for getting to know all students well and for planning school programs and services to meet the needs of current and incoming students. This checklist is designed to help guide schools through a set of complex processes needed to identify or create services needed.

A. Getting to Know Your Students

1. It is crucial to know each student well, so that his/her individual strengths and needs drive decisions. A thorough review of the student IEP should always include objective student achievement data and conversations with the student (if appropriate) and family. This includes:

Reviewing the Present Levels of Performance (PLOP) supplemented by current objective, measurable achievement data (e.g. ARIS, formative assessments, student work, classroom assessments, etc.). Also see the [Guidance Tool for Writing Quality IEPs](#) and [Guidance on Present Levels of Performance](#).

2. Review the student's IEP history:

What was the date of eligibility, and classification area? What does the psychoeducational evaluation reveal? [Click here to enter text.](#)

What services have been provided over the past few years? [Click here to enter text.](#)

Has there been a change in levels of restrictiveness along the continuum? What has been the educational benefit? [Click here to enter text.](#)

Family Collaboration

3. Has the school met with the parent/guardian in the last month?

No

If no, when was the last contact made and what are the planned next steps for communicating with the family? [Click here to enter text.](#)

Yes

If yes, are there any parent concerns about student needs, progress or the program or service recommendations currently in the IEP? [Click here to enter text.](#)

4. Have alternative ways of meeting the student's needs been explored with the parent? Explain.

[Click here to enter text.](#)

Positive Behavior

5. Is there a need for positive behavior support for this student?

NO, there is no evidence that student behavior impedes the learning or welfare of this student or other students.

YES, some form of behavior support may be necessary to support this student.

If YES, please attach the [functional behavior assessment \(FBA\)](#), [behavioral intervention plan \(BIP\)](#), and [progress monitoring notes](#).

Determine Services for LRE

6. What are the primary needs of this student? What are the high-leverage goals this student needs in order to make progress in the general education curriculum? What special education services align to these needs? See also the [Guidance Tool for Writing Quality IEPs](#) and [Continuum of Services](#).

Click here to enter text.

Ensuring LRE (You can also use the [LRE Checklist](#))

7. Ensure that there is a thorough understanding of the student's strengths and needs and that plans and recommended services are individualized and reflect the student's LRE. Check and explain below:

Can the special education and services offered in a self-contained placement be appropriately provided in an inclusive setting?

Can the student be educated in a general education classroom if appropriate supplementary aids and services are provided?

If a student must be placed in a more restrictive setting, is the student integrated with nondisabled peers to the maximum extent possible?

Has the IEP team considered both the academic and nonacademic benefits of education and interaction with students without disabilities?

Is there a valid and evidence-based rationale stated for why the student is being recommended to be removed from the general education environment (if applicable)?

Does the student require removal from general education in all content areas? Based on what evidence?

Explanation:

Click here to enter text.

* In rare circumstances the parent and school team may agree that the student's needs may be best met through services different from those recommended on the existing IEP. In these cases, convene the IEP team—including parents and consistent with the tenets of [LRE and FAPE](#), and [procedural safeguards](#)—to develop a new IEP.

B. Resources for Teacher Programs and Services

BEST PRACTICE: Fill out a chart to notice patterns of service each summer and then edit throughout the school year as students' needs and/or programs shift.

- [Flexible Programming Template A \(Click here for file\)](#) - *Recommended if pulling reports from SESIS*
- [Flexible Programming Template B \(Click here for file\)](#)
- ATS USPE Download and add in preferred information

Teacher Programs (<i>Teacher schedules/programs must be submitted</i>)			
<p><i>Contact your ASE if you need assistance in gathering license area information. Use your STARS report to get an overview of teacher programming. Please also see HOUSSE guidance.</i></p>			
<p>The school program has/will have a total of _____ periods per week. (e.g., Our school day has 8 periods, including lunch for a total of 40 periods/wk. with 35 academic periods.)</p>			
Full name of each teacher with a current and active special education certificate/license:	Specify the certificate/license held by each teacher:	Total number of periods per week assigned to teach the special education class/program:	SWDs served by the teacher:
1.			
2.			
3.			
4.			
<p>In shared campus settings which will require more special education certified staff, campus schools are amenable to sharing staff.</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p>If no, explain why not.</p>			

STUDENT – TEACHER RATIOS

The total number of students with a disability assigned to a resource room (SETSS) teacher in New York City may not exceed 30 students at the elementary level or 38 students with disabilities in grades 7 through 12 or a in multi-level middle school program operating on a period (departmentalized) basis. Group size for SETSS provided in the general education classroom or in a separate location may not exceed a maximum of 8 students.

C. Space and Budget

Schools and BFSCs must include space, services, and budget in their proactive planning in order to provide the least restrictive set of services customized to student needs.

Planning Instructional Space

Questions to consider when planning flexible use of space:

- Are there other schools or programs that share space within your building?
- Is the building under-utilized or over-utilized?
- Are there any classrooms that may be available for particular periods of the day (i.e. during a teacher's prep or lunch)?
- Are there offices or lounges that could be converted into a resource room?

Given my current facilities, I do not anticipate needing additional space at this time.

(Skip to Budget Planning section)

Given my current facilities, I anticipate needing additional space at this time.

Please specify your concern(s) below and contact your BFSC budget liaison for support.

[Click here to enter text.](#)

If you have questions, contact your BFSC; schools should speak to BFSC facilities point.

****For assistance with understanding the space utilization or [footprint](#), the BFSC may coordinate a space walkthrough with the borough space planner.**

Budget Planning

Questions to consider when planning budget resources:

- Are there any unscheduled funds in your budget?
- What vacancies do you have? What were the start dates for the vacancies?
- What scheduled funds are for per diem coverage?

Given my current budget, I do not anticipate having budget concerns at this time.
(Skip to section D)

Given my current budget, I need support in managing funding.
Please specify your concern(s) below and contact your BFSC budget liaison for support.

Click here to enter text.

D. Asking for Support: Professional Development

Schools have the opportunity to request professional development support and to plan strategically for professional development for the following school year.

In addition to your current PD plans, what training and support will staff need to meet the needs of all students?

Click here to enter text.

*Professional development resources include your BFSC or [Central's PD website](#) accessible on the *A Shared Path to Success* intranet page.

E. Resources

- Flexible Programming:
 - [Template A](#)
 - [Template B](#)
 - [Completed Flexible Programming Template](#)
- [Principals Guide to Inclusive Classrooms](#)
- [Family Meetings for Preschool Students with Disabilities Transitioning to Kindergarten in September](#)
- [Special Education Reform Reference Guide](#)
- [Professional Development portal](#), Division of Specialized Instruction and Student Support
- [School Implementation Team \(SIT\) Action Planning Template](#)