

# Doing the “Math” on ICT Variances

Level	Actual Register*	Maximum # SWD using DOE 40% rule & SED Limit of 12	Variance allowed to add 13 <sup>th</sup> student without violating 40% rule?	Variance allowed to add 14 <sup>th</sup> student without violating 40% rule?
Pre-K	18	7	No	No
Kindergarten	25	10	No	No
Elementary	32	12	Yes	No
Title I Middle/Junior High	30	12	No	No
Non-Title I Middle/Junior High	33	12	Yes	No
High School	34	12	Yes	Yes

\* Numbers used reflect contractual class size limits

\*\* Ask your chapter leader if you don't know whether your school is a Title I school

## File a UFT Special Education Complaint if:

- The number of students with IEPs in an ICT class exceeds the above limits
- A 13<sup>th</sup> student is added to an elementary, middle school/JHS or high school ICT class and the school does not file the notification with the State within 10 business days of the student's placement
- A 14<sup>th</sup> student is added to a high school ICT class *before* the school has received approval from the State
- The ICT class for which the variance is sought had more than 12 students with disabilities when school opened in September
- The additional student's academic performance or behavior is significantly outside the range of the other students with disabilities in the class
- Adding another student is not consistent with providing an appropriate education for all students in the class, e.g., students (gen ed and special ed) are not making adequate progress to meet grade level standards or annual goals
- There are more students with disabilities than non-disabled students in an ICT class.