Variance Procedure

If the school has an appropriate special class or ICT but cannot place the student in the class without exceeding regulatory limits, and no other appropriate options to serve the student or others in the class have been identified, the school should draft a variance notification (ICT) or variance request (special class) and submit it to the ASE for review. **Schools and BCOs may not submit variance notifications or requests directly to NYSED.**

The ASE will review the draft variance notification/request and may work with the school to meet all students’ needs without exceeding maximums. If the ASE confirms that the class was in compliance at the beginning of the school year and agrees that a variance is warranted, the ASE will submit the draft notification/request to variances@schools.nyc.gov. SEO will review the draft, and may either provide further assistance or submit the variance notification/request to NYSED. SEO will inform the ASE of the decision.

Approved variances remain in effect only through the end of the school year. The school is expected to develop plans for the coming school year to ensure compliance with regulatory requirements.