

## **Preschool Variance by Notification/Prior Approval Request Form (Over Enrollment Option)**

A temporary increase in approved preschool class size is only allowed in those extenuating circumstances when adding a student to the class is necessary to ensure that the preschool student with a disability receives a free appropriate public education. If a committee on preschool special education (CPSE) recommends a preschool student for a special class or special class in an integrated setting (SCIS) which is operating at the maximum approved class size, the provider of the program may temporarily increase the enrollment of a class by procedures established by the Commissioner through a child-specific notification or a child-specific prior approval request when the special class or SCIS is the only class available to meet the student's unique needs as recommended on the individualized education program (IEP). When adding preschool students with disabilities beyond an approved maximum class size in a SCIS, programs must make every effort to ensure that the number of preschool students with disabilities does not exceed the number of nondisabled students. If a variance request will result in the number of preschool students with disabilities exceeding the number of nondisabled students by more than one student, an explanation for this imbalance and documentation of the program's recruitment efforts for nondisabled students must be included with the application. **All requests to exceed the approved class size must include the completed School District Justification form completed and signed by the CPSE chairperson assuring that the school district has determined that no other appropriate placement is available in a special class or SCIS that is not at full capacity or has not exceeded its approved class size through a child-specific notification.**

Use this form for either:

- Submission of a child-specific notification or
- Submission of a prior approval request to add a second student.

- **School District Justification must be submitted with this form.**
- Submit one form per student.
- **All sections of the form must be completed, or it will be returned unprocessed.** Any returned forms must be revised and resubmitted within five business days.
- Child-specific notifications must be submitted to the New York State Education Department (NYSED) **within 10 business days of the student's enrollment** with a copy maintained in your files.
- Prior approval requests must be submitted to NYSED, and **approval must be received before the student is enrolled in the class.**
- Exceeding the approved student-to-staff ratio listed on the program's approval and failing to follow the above procedures may result in a finding of noncompliance.
- If the request is not approved, the program must inform the CPSE that it is unable to enroll the student.