



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
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October 2005

**TO:** Individuals Interested in the Education of Students with Disabilities  
**FROM:** James P. DeLorenzo *James P. DeLorenzo*  
**SUBJECT:** Special Class Size Variances

This memorandum is to provide information on Part L of Chapter 57 of the Laws of 2005, which extended the provisions of sections 4402.2(d) and 4402.6 of Education Law until July 1, 2006.

Section 4402.2(d) authorizes a school district, except the school district of the City of New York, to exceed the special education class size standards established in regulation for special education classes for middle and secondary school students only. The requirements for this variance by notification can be found in section 200.6(g)(6)(i) and (ii) of the Regulations of the Commissioner of Education.

Section 4402.6 of Education Law authorizes a school district with a population of 125,000 or more inhabitants, except the New York City School District, to increase class sizes in special classes containing students with disabilities to obtain relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary levels. The requirements relating to this over-enrollment special class size variance can be found in section 200.6(g)(6)(iii) of the Regulations of the Commissioner of Education.

If you have any questions about this information, please contact your Regional Associate at one of the following VESID Special Education Quality Assurance Regional Offices:

Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(914) 245-0010
Central Regional Office	(315) 428-3287
Long Island Regional Office	(631) 884-8530
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002, ext. 420

