

**Announcement of Funding Opportunity
Arthur O. Eve Higher Education Opportunity Program**

Legislative Authority	Section 6451 of the Education Law. In May 1969, the New York State Legislature passed an amendment to the Education Law that authorized a program to expand educational opportunity in independent institutions of higher education (IHEs). In 2016, the governor signed into law a new bill that amended the Education Law 6451. In the 2017-2018 Program Year, the Commissioner promulgated changes to the Rules and Regulations 27-1 and 152-1 that were approved by the Board of Regents to reflect the changes in the law.
Purpose of Grant	The primary objective of the Arthur O. Eve Higher Education Opportunity Program (HEOP) is to provide a broad range of services to New York State residents who, because of educational and economic circumstances, would otherwise be unable to attend a postsecondary educational institution. Each HEOP institution must ensure that HEOP students are provided with sufficient academic support services, tuition assistance, supplemental financial assistance, and full need packaging to enable them to successfully complete the institutional components required for graduation.
Project Period	2024-2029. Programs may begin as early as July 1, 2024, and must be completed by June 30, 2029. The HEOP grant year runs from July 1 st to June 30 th of each year.
Eligible Applicants	Non-public institutions of higher education (IHEs) -including for-profit IHEs- incorporated by the Legislature or chartered by the Board of Regents and offering two- or four-year degree programs registered with and approved by the Board of Regents may submit proposals for program support. Programs must serve matriculated students who are working toward a degree.
Amount of Funding	An amount of \$48,324,420 was allocated for 2023-24 fiscal year. HEOP awards will be a maximum of \$9,550 per FTE (\$10,100 per FTE in the New York City region) with a maximum 650 FTE for any one applicant and are subject to the availability of funds. The maximum award amount will be \$6,207,500 per application for IHEs that are not in NYC region and \$6,565,000 per application in the NYC region. The program operates on a five-year funding cycle, and it is expected the funding will remain level during the cycle. Funds are appropriated by the legislature and Governor based upon the State fiscal year; however, funds are contractually obligated based upon the program year. A minimum of 25% match of the requested HEOP grant is required from the institution's own resources. Only those IHEs that are selected for a contract award can be reimbursed for program expenses incurred.
Questions and Answers	Please submit questions via email to RFPGC24-001@nysed.gov with the words RFP GC#24-001 in the subject line by September 8, 2023. A complete list of all Questions and Answers will be posted to the HEOP website no later than September 22, 2023.

<p>Non-Mandatory Notice of Intent</p>	<p>The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application date. However, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process, and to allow for the creation and testing of GoAnywhere accounts for new applicants for the HEOP grant. GoAnywhere instructions can be found on the HEOP website at HEOP website. A non-profit applicant’s NOI will also help to facilitate timely review of its prequalification materials. The NOI is a simple email stating your organization’s intent to apply for this grant. Please use the legal name as listed in NYSEDs database of accredited IHEs and include your organization’s NYS Vendor ID. Please send the NOI to RFPGC24-001@nysed.gov with the words RFP GC#24-001 in the subject line by October 6, 2023.</p>	
<p>Application Submission Instructions, Due Date and Mailing Address</p>	<p>New applicants for the HEOP grant and current grantees must create and test or only test their GoAnywhere accounts respectively by <u>October 6, 2023</u>, in order to be able to submit the grant application. Please submit the complete application on GoAnywhere at GoAnywhere Website Login by October 20, 2023, as follows:</p> <ul style="list-style-type: none"> • Narrative application, budget narrative and any attachments in Word and/or searchable/editable PDF files • The budget (FS10 form) in Excel format; the template can be found at: FS10 Template using the HEOP fiscal guidelines at: FS-10 HEOP Guidelines • Composite budget in Excel format; the template can be found at: Composite Budget Template • Signed and scanned Application Cover Page, signed and scanned FS10 budget form and signed and scanned Acknowledgement Form* • The original signed FS10 form must be sent to NYSED in a sealed envelope labeled “HEOP GC#24-001” postmarked by October 20, 2023. • If there are technical issues with GoAnywhere and you cannot submit your application by GoAnywhere, contact RFPGC24-001@nysed.gov at least <u>three business days</u> before the deadline to request alternative means of submission. However, even if an alternative submission method is used, applications must be received by the deadline above. 	
	<p><u>Not-for-profit applications</u> NYS Education Department Attn: Dan Nicolaescu RFP GC#24-001 HEOP-OPASS 89 Washington Avenue Room 960 EBA Albany, NY 12234</p>	<p><u>For-profit applications</u> NYS Education Department Attn: Monica Foley, RFP GC#24-001 Bureau of Fiscal Management Contract Administration Unit 89 Washington Avenue Room 501W EB Albany, NY 12234</p>

*The following forms of e-signatures are acceptable:

- a. handwritten signatures on faxed or scanned documents

- b. e-signatures that have been authenticated by a third-party digital software, such as DocuSign and Adobe Sign
- c. stored copies of the images of signatures that are placed on a document by copying and pasting or otherwise inserting them into the documents

Unacceptable forms of e-signatures include a typed name, including a signature created by selecting a script or calligraphy font for the typed name of the person "signing".

To identify the signer and indicate that the signer understood and intended to agree to the terms of the signed document, the signer will sign beside or provide by email the following attestation: *"I agree, and it is my intent, to sign this document by [describe the signature solution used] and by electronically submitting this document to [name of recipient individual or entity]. I understand that my signing and submitting this document is the legal equivalent of having placed my handwritten signature on the submitted document and this attestation. I understand and agree that by electronically signing and submitting this document I am affirming to the truth of the information contained therein."*

FERPA Statement

The New York State Education Department (NYSED) is the regulating authority for education in New York State. NYSED is Federal Educational Rights and Privacy Act (FERPA) exempt as per the United States Department of Education's FERPA General Guidance at

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>, which states:

"Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- *School officials with legitimate educational interest;*
- *Other schools to which a student is transferring;*
- ***Specified officials for audit or evaluation purposes;***
- ***Appropriate parties in connection with financial aid to a student;***
- *Organizations conducting certain studies for or on behalf of the school;*
- ***Accrediting organizations;***
- *To comply with a judicial order or lawfully issued subpoena;*
- *Appropriate officials in cases of health and safety emergencies; and*
- *State and local authorities, within a juvenile justice system, pursuant to specific State law."*

Non-Discrimination Statement

The New York State Education Department does not discriminate on the basis of race, creed, color, national origin, religion, age, sex, military, marital status, familial status, domestic violence victim status, carrier status, disability, genetic predisposition, sexual orientation, and criminal record in its recruitment, educational programs, services, and activities. NYSED has adopted a web accessibility policy, and publications designed for distribution can be made available in an accessible format upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Office of Human Resources Management, Room 528 EB, Albany, New York 12234.

Higher Education Opportunity Program (HEOP)

Application Guidance

Proposals submitted by the IHEs must comply with the requirements listed below. Items submitted that are outside the scope of this RFP will not be considered. Successful applications that include items outside the scope of the RFP may require revisions to ensure that any unacceptable components come into compliance.

A. Definitions of Frequently Used Terms

Academic Year: The two regular semesters, three trimesters, or required equivalent arrangement normally occurring between August and June.

Arthur O. Eve Higher Education Opportunity Program (HEOP): An educational program approved by the NYS legislature that serves New York State residents who are both economically and educationally disadvantaged. HEOP provides a broad range of services to these students who, because of educational and economic circumstances, would otherwise be unable to attend postsecondary non-public educational institutions.

Commuter Student: A HEOP student who is living at home with parent(s) or guardian(s) or is living in their own permanent housing (not with a parent/guardian) and commutes to campus.

Compensatory Course: Supplementary courses designed to help educationally disadvantaged students reach high levels of academic achievement and success.

Cost of attendance: For the purposes of ensuring full need packaging, the Cost of Attendance includes all costs associated with institutional attendance of a full-time undergraduate student, including but not limited to additional fees, books, housing, meal plan, and associated ancillary costs.

Current Program: This includes all institutions applying under this RFP which have an existing HEOP.

Developmental Courses: Courses that combine pre-college and college-level material, with credit awarded for that portion of the course that is college-level work. There will be more classroom/contact hours for the student in such a course than in a regular catalog offering for the same credits. (Note: The NYS New York State Tuition Assistance Program (TAP) can be used to provide reimbursement for credit hours only in developmental courses.)

Economically Disadvantaged Student: An individual is economically disadvantaged if that person is a member of a household where the total annual income of such household is equal to or less than 185 percent of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size for the applicable year.

Educationally Disadvantaged Student: An individual from a low-income family with potential for a successful collegiate experience, but who has not acquired the verbal, mathematical, and other academic proficiencies required to complete college-level work, and is not admissible, by the college's admissions standards.

First-time HEOP Student: An individual who has never been matriculated at a postsecondary institution as a degree-seeking student in any regular semester or session prior to the HEOP Summer Program and has been accepted for enrollment by a participating HEOP institution.

Full Need Packaging: Total resources, including all grants, expected family and institution's contributions, work-study, and loans to fully meet the needs of a student attending a HEOP institution (including room and board, as needed); must be maintained for the duration of HEOP eligibility – even if the student loses TAP or its successor for any reason.

Full-Time Equivalent (FTE) for Students: The standard measuring unit used to calculate enrollment for students who are matriculated in a college or university.

Full-time Equivalency for Staff: The percent effort for each activity and/or service provided by the worker on HEOP-allowable costs. An FTE of 1.0 means that the person is equivalent to a full-time worker and spends 100% of their time on the project; an FTE of 0.4 signifies that the worker spends 40% of their time serving the project

General Admit Student: An individual who meets the admission standards of the accepting institution based on the criteria used by the school (i.e., test scores, high school average/GPA, school standing and other criteria).

Headcount: Refers to the actual number of students enrolled in a program regardless of the number of credit/semester hours for which they are enrolled.

HEOP Institution (IHE): A non-public institution, college, or university incorporated by the New York State Board of Regents or the Legislature, or a school authorized by the Board of Regents to confer approved academic degrees which has been approved by NYSED as a legitimate academic organization for hosting the NYS-funded Higher Education Opportunity Program.

HEOP Student: An individual who applied, met the eligibility criteria based on Education Law 6451, was accepted at the IHE, completed the HEOP summer program, and matriculated at a participating HEOP institution.

HEOP Summer Program (Academic Entry Program): A developmental and/or remedial program designed and hosted by a participating HEOP institution for newly admitted HEOP students. HEOP Summer Programs generally occur between July 1 and August 31 and are scheduled for a minimum of four weeks to a maximum of eight weeks.

Household: The total number of individuals living in the student's residence who are economically dependent on the same income as the one supporting the student as reported on FAFSA.

Institutional Match: The total amount of funds the institution contributes towards HEOP from its own resources (State and Federal grants are excluded) for administering HEOP.

Matriculated Student: An individual who is enrolled at a college or university as a student and is working toward a degree. This student is usually enrolled in 12 or more credits per semester.

Maximum Allowable Loan: The maximum cumulative loan accrued by a HEOP student to complete a baccalaureate or an associate degree program.

New York State Residency: The applicant is a NYS resident as per Education Law (Section 661-5) if any of the following apply:

1. The student now resides in New York State and has lived in New York State for the last year of high school; or
2. The student was a NYS resident when the applicant entered military service, VISTA, or the Peace Corps, and re-established New York State residency within six months after release from service; or
3. The student has established residency in New York State at least one year before July 1st of the program year.

Education Law (Section 661-5) requires a student to be a legal resident of the state of New York to be eligible for most State scholarships and other awards. As per definition:

"Proper construction of the term "resident" depends on the particular subject matter in which it is used, and where this section proscribes "residence" as qualification for privilege or enjoyment of benefit, word is equivalent to 'domicile'."

The Senator José Peralta New York State DREAM Act gives undocumented and other students access to New York State-administered grants and scholarships that support their higher education costs including HEOP funds. For more details on DREAM Act and how to apply, visit HESC at: [HESC DREAM Act website](#).

Non-Public Institution: An accredited higher education institution in New York State not affiliated with the State University of New York (SUNY) or City University of New York (CUNY).

NYS Opportunity Program Student: A student who was determined to be eligible for and is enrolled at one of the following NYS-opportunity programs: Educational Opportunity Program (EOP), Search for Education, Elevation, and Knowledge (SEEK), College Discovery (CD), and Higher Education Opportunity Program (HEOP).

Open Admissions: A non-competitive selection process that permits the admission of applicants regardless of their previous academic credentials or experiences.

Program Year: For purposes of these Guidelines, expenditures and activities occurring between July 1 and June 30 of the following year constitute a program year.

Remedial Course: Non-credit-bearing course usually for, but not limited to, the fields of English and mathematics, designed to prepare students for college-level course work.

Resident Student: A student who does not live at home (with parents or guardians) during the academic year, with criteria as follows: (a) an on-campus resident student is a student who lives in housing facilities owned and/or maintained by the institution; (b) an off-campus resident student is a student who does not live in institutionally provided housing.

Senior Level Administrator: An institution employee who directly reports to either the IHE's President and/or Chief Academic Officer (e.g., provost or Vice President of Academic Affairs).

Special Session: Interim sessions between academic year terms (i.e., summer session, winter session).

State Fiscal Year: The accounting period for the New York State government that begins April 1 of one year and runs through March 31 of the following year.

Start-up Programs: All institutions applying under this RFP that do not have a current Higher Education Opportunity Program at their institution.

Student with Disabilities: A student with a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (New York State Human Rights Law § 292.21).

Waivers: A form of financial aid in which the school lowers or eliminates tuition or fee charges for qualified students.

B. Prequalification Requirement

The State of New York has implemented a statewide prequalification process (described on the [Grants Management website](#)) designed to facilitate prompt contracting for not-for-profit vendors. **All not-for-profit vendors are required to prequalify prior to grant application.** This includes all currently funded not-for-profit institutions that have already received an award and are in the middle of the program

cycle. The pre-qualification must be completed by all not-for-profit institutions prior to application in order to receive an award under this RFP. Please review the additional information regarding this requirement in section N. Prequalification for Individual Applications.

C. Description of Program

This program, as amended, is designed to support the screening, testing, counseling, tutoring, teaching, and partial financial assistance of New York State residents who:

1. Are graduates of an approved high school or have obtained a high school equivalency diploma or its equivalent;
2. Have potential for the successful completion of a higher education program; and
3. Are economically and educationally disadvantaged.

See section D. Student Eligibility below for detailed eligibility criteria.

Program Objectives

1. Provide access to postsecondary education to eligible students.
2. Identify, evaluate, and recruit eligible students and enable them to complete a higher education experience.
3. Improve the retention and graduation rates of disadvantaged students.

Full-time Higher Education Opportunity Programs

Students enrolled full-time in HEOP must carry a minimum of 12 credit hours or the equivalent per semester; therefore, the FTE for the program is calculated as follows:

Total credits for the program year for all students for all semesters (including the special sessions) in the program divided by 24.

A student enrolling for 12 or more credits in a term is using up one semester, or one-half (1/2) a year, of program eligibility.

Semesters of eligibility:

1. Two-year associate degree program: A student is allowed six semesters or equivalent of opportunity program eligibility.
2. Four-year baccalaureate program: A student is allowed ten semesters or equivalent of opportunity program eligibility.

3. Five-year baccalaureate program: if a HEOP student is enrolled in a five-year registered academic program with NYSED requiring five years to complete (such as architecture, pharmacy, and engineering), the student is eligible for up to 12 semesters of HEOP assistance.

The funds allocated by the Legislature are intended to supplement and expand, not supplant, existing efforts.

New York State Tuition Assistance Program (TAP): For students who participate in TAP, eligibility for five years is provided under Section 145-2.7 of the Commissioner's Regulations.

If, at any point during the program, a HEOP student loses TAP eligibility, that loss has no bearing on HEOP eligibility or funding. Eligibility for HEOP and eligibility for TAP are different and separate.

Part-time student in a full-time program: It is expected that all HEOP students enrolled in a program funded to serve full-time students will begin with a full-time academic course load. However, due to documented extenuating circumstances, a student may have to register for less than a full-time course load. Some examples include students with disabilities, medical problems, or family responsibilities. The extenuating circumstances requiring less than full-time enrollment must be approved by the institution and the documentation kept on file. If the qualified student needs to be on part-time status for more than four semesters in a four-year baccalaureate program (two semesters for an associate degree), the remaining eligibility will be calculated according to the part-time schedule below.

HEOP students attending part-time in a full-time program must enroll for at least six semester hours or the equivalent per term, except for graduating HEOP students in their last term when they can enroll for fewer hours than the minimum previously stated.

When requesting HEOP funds, both current and start-up program applicants must base the FTE number in their budget request on the number of students enrolled in the first year of the funding cycle. Start-up programs must include the projected FTEs for years 2-5, as these FTEs will be used to calculate budget awards for years 2-5. The total number of FTEs expected each year for current programs shall remain the same for the duration of the grant. For start-up programs, the total FTEs may steadily increase every year, as additional students enroll each year, until FTEs level off in the fourth year of funding.

Special Sessions

1. NYSED funds are available for continuing students to attend a special academic session only with justification to NYSED prior to such session and each such student must be preapproved by NYSED. It is the joint responsibility of the HEOP director and of an institutional financial aid officer to verify that all HEOP students attending a special session

have a legitimate reason to do so. The institution is responsible and will be held accountable for this documentation.

2. If a student takes 12 or more credits or the equivalent during the special session, the student will have used one semester of eligibility.
3. Students are not using HEOP eligibility in a special session if:
 - a. The academic support services and financial assistance received by the students are funded by the institution and/or other sources only, and
 - b. The students are not reported on the HEOP roster for a special session.

Part-time Opportunity Programs

For part-time students enrolled in HEOP part-time the FTE is calculated as follows:

Part-time students FTE = Total credits attempted for the program year for all PT students in the program divided by 15.

Students part-time in HEOP must enroll for at least six semester hours or the equivalent per term. All academic terms for the program calendar year (July 1 – June 30) will be counted.

Part-time students in a part-time program can be enrolled in *special sessions* for 3 or more credits only in certain extenuating circumstances such as: students with disabilities, medical problems, or family responsibilities. This can happen for up to two semesters during their HEOP tenure as part-time students in a part-time program.

Credit hours of eligibility for part-time students:

1. Two-year associate degree program: A student is allowed 90 semester hours of eligibility.
2. Four-year baccalaureate program: A student is allowed 150 semester hours of eligibility.
3. Five-year baccalaureate program: A student is allowed 195 semester hours of eligibility.

Summer Program (Academic Entry Program)

An annual summer program is a mandatory requirement of HEOP. First-time HEOP students must be enrolled in a HEOP summer program. A HEOP summer program must be completed prior to the beginning of an institution's fall semester. It is strongly recommended that the summer program commence in early July and conclude by the middle of August. No applicant may have a proposal that includes a stipulation to allow first-time students to enroll in HEOP without attending the summer program.

An IHE may offer a supplemental academic entry program during a special session due to documented extenuating circumstances with NYSED's approval. A timely request (4 weeks before the special session) must be submitted to NYSED each time the IHE intends to offer such a program and must be preapproved by NYSED at least a month before such session is offered. The supplemental academic entry program must meet all the requirements of the summer program, including completion before the start of an academic term.

HEOP Integration into the IHE Academic Community

HEOP is designed for economically and educationally disadvantaged students and must be an integral part of the college academic community. It must not be a peripheral activity segregated from other college programs. HEOP is an academic opportunity program and must be closely coordinated with the academic affairs at the institution.

The special economic and educational needs of HEOP students must be met. While admission and retention policies for HEOP students are expected to be flexible, institutions must determine a point at which the HEOP student will be subject to the same policies (such as academic probation or dismissal) as the general admit student population. Expectations for HEOP students must, however, not be less than the minimums on the institution's standard of academic progress chart filed with the NY State Education Department after the mid-point (i.e., 5 semesters for a four-year degree).

Supportive Academic Services

HEOP students must be academically supported through screening, pre-testing and post-testing evaluation, counseling, and tutoring. This includes instruction in, but not limited to, study skills and computer literacy, which can be achieved through workshops, seminars, and developmental and/or remedial courses. These services and/or strategies must be sufficiently tailored to meet the needs of HEOP students.

HEOP Office Organization and Administration

All programs must have a HEOP director. NYSED considers the role of the director pivotal to the implementation of a successful Higher Education Opportunity Program. The HEOP director is required to be a minimum of 0.5 FTE dedicated to HEOP. See Appendix 1 (page 60) for HEOP staffing guidelines. HEOP Directors from the previous grant cycle may continue at their approved FTE in the new HEOP cycle. However, should the directorship change, the new HEOP Director shall be 0.5 FTE or greater. HEOP funds or a combination of HEOP & institutional funds can be used to pay for the HEOP director's salary.

The HEOP director is responsible for providing leadership to HEOP and for the management of the contract and all related HEOP activities.

These activities include but are not limited to: on-site management of HEOP; management of the budget and amendments; planning, development, implementation and evaluation of programs and

services; the hiring and supervision of staff; coordination of internal and external partnerships (e.g. IHE departments, high schools, community-based organizations, et cetera); HEOP student recruitment, admissions and financial aid processes including student eligibility determination; data collection and reporting; and public relations.

The HEOP director must report to a senior level administrator of the institution. A senior level administrator is one who directly reports to either the institution's President, Chief Academic Officer, and/or governing board. The institutions are strongly encouraged to have the HEOP director report to a Chief Academic Officer (e.g., provost or Vice President of Academic Affairs).

The institution must clearly demonstrate how the program's organizational reporting will be integrated with the academic practices, policies, and personnel of the institution.

Any change in the structure or reporting relationship of the HEOP or the HEOP director must be reviewed and approved by NYSED prior to its implementation.

1. HEOP Salary and Benefits: Salaries are negotiated by the institution with HEOP personnel; salaries and benefits must be equivalent to those paid to other campus employees with commensurate levels of training, skills, and responsibilities. HEOP staff is expected to receive treatment identical to other institutional officers of similar rank with respect to salary increases and employee benefits, including but not limited to tuition reimbursement, holiday and vacation leave, and health insurance coverage. Hourly paid educational assistants paid from HEOP funds must earn no less than the minimum wage in New York State.

It should be noted that salary increases may be requested for HEOP staff members from HEOP funds.

If HEOP personnel have non-HEOP responsibilities, institutional and/or other resources will also be required for their salaries. The institution's coverage of a portion of a salary for non-HEOP duties should not be reflected in the institutional match.

2. Institutional Officers: When HEOP funds are requested for regular line or staff officers of the institution (e.g., Financial Aid officer, Admissions officer), a job description is required detailing the duties to be performed that exceed what is normally expected of a person in such a position. This person must work under the direct supervision and guidance of the HEOP director for the HEOP specific duties.
3. Vacation and Holidays: In the absence of the institution's HEOP Director, NYSED requires that participating HEOP institutions designate professional staff that are involved with and knowledgeable about the institution's HEOP functions and will be available to answer

internal and/or external HEOP-related inquires. This may include but is not limited to an HEOP assistant director or the senior staff member to whom the HEOP director reports.

4. Educational Assistants: These are paraprofessionals who are hourly or salaried workers and provide counseling, tutorial services and/or other academic support services to students. This category is not limited to undergraduate or graduate students but may include full or part-time institutional employees.
5. Staffing Guidelines are provided in Appendix 1 (page 60): These guidelines are strongly recommended levels necessary to ensure that the HEOP students are appropriately served. Final determinations must consider the funds made available by the enacted state budget, the institution, and other sources.

D. Student Eligibility

An eligible new HEOP student must be a NYS resident and meet the following requirements upon admission:

Educational Disadvantage

Each institution shall establish its own criteria for educationally disadvantaged status, which shall include, but not be limited to, the following factors: predicting a student's probability of academic success, and non-admissibility, by the college's **regular admissions standards**, to the college at the matriculated status in a degree program. Further proof of educational eligibility is non-admissibility to a degree program for which application is made (e.g., a student could be admissible for general admission to the IHE but not meet the requirements to a specialized degree program such as nursing, engineering, computer science, etc.).

Moreover, IHEs that have entered into a contract are expected to give priority for admission into HEOP to the most educationally disadvantaged students based on each institution's established criteria. Recipients of Regents scholarships for academic excellence are not eligible.

Criteria for determining educational eligibility for HEOP includes but is not limited to the following:

1. Test scores (e.g., SAT, ACT, Regents Exams)
2. High School average/GPA
3. Class Rank
4. Diploma type (e.g., Regents diploma, GED/TASC)
5. Letters of recommendation

6. Personal interviews
7. Pre-testing
8. Attendance in a high school designated as a Comprehensive Support Improvement (CSI), Targeted Support Improvement (TSI) or Additional Targeted Support and Improvement Schools (ATSI) as noted at: <https://data.nysed.gov/files/essa/21-22/2022-23NYSAccountabilityStatuses.xlsx> and/or in a High Needs Resource Schools – <https://www.p12.nysed.gov/irs/accountability/2011-12/NeedResourceCapacityIndex.pdf>
9. The admissions process must be designed to assess the applicant’s potential for successful completion of a post-secondary academic program in accordance with this RFP. The decision to admit each applicant should be based on a complete evaluation of the applicant's educational profile. The verification of educational eligibility and the decision to admit an applicant as a HEOP student are the joint responsibilities of the HEOP Director and the Admissions Officer.

A HEOP student must be a recipient of an approved high school diploma or must have obtained a New York State high school equivalency diploma (general equivalency diploma) or its equivalent as presented below:

1. A New York State high school diploma received pursuant to Section 100.5 of the Regulations of the Commissioner of Education, or
2. For students who were residents in another state during high school, a high school diploma issued by another U.S. state, or by a high school recognized by another U.S. state as equivalent to high school graduation as a resident in that state.
3. An approved state high school equivalency diploma is a diploma received pursuant to Section 100.7 of this Title.

An approved general equivalency diploma is defined as one of the following:

1. Successful passage of the GED® Test Battery; or
2. Test Assessing Secondary Completion (TASC); or
3. A New York State High School Equivalency Diploma conferred under the procedure outlined in Commissioner’s Regulation section 100.7.

Note that NYSED does not recognize a correspondence/on-line high school diploma as meeting the requirements for a secondary education in New York State for NYS residents.

Post-secondary credit-bearing certificate or degree and college courses while in high school:

1. Students who earned a post-secondary credit-bearing certificate or degree while in high school, excluding NYS P-TECH participants, are ineligible.
2. Students must not have earned more than 15 college credits while in high school except if those credits were earned while the student attended any of the following NYS sponsored pre-collegiate opportunity programs:
 - a. Science and Technology Entry Program (STEP)
 - b. Liberty Partnerships Program (LPP)
 - c. NYS My Brother's Keeper (MBK)
 - d. Smart Scholars Early College High School Program (SS ECHS)
 - e. NYS Pathways in Technology Early College High School (NYS P-TECH)

The acceptance of these students in HEOP is not automatic; they may be accepted if they meet the HEOP eligibility requirements and at the discretion of the IHE. See Appendix 2 for sample educational and economic eligibility forms. These forms must be kept in students admission files and presented to NYSED upon request.

Economic Disadvantage

A student is economically disadvantaged if he or she is a member of a household where the total annual income of such household is equal to or less than 185 percent of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size for the applicable year. Federal poverty guidelines are published annually by the Department of Health and Human Services in the Federal Register. Moreover, IHEs that have entered into a contract are expected to give priority to the recruitment and enrollment of applicants whose life patterns are characterized by historical economic and educational disadvantage.

1. Indicators of historical economic and educational disadvantage may include evidence that the student or the student's family has endured long-term economic deprivation, membership in a group underrepresented in higher education, a history of high unemployment rates, a record of poor academic performance, and/or little or no accumulation of assets. Other indicators may include that the applicant or the applicant's family are unable to provide for more than the basic needs of family members and may be dependent on public assistance.
2. Loss of employment, or the separation, divorce, or death of a wage earner in the calendar year prior to the academic year for which eligibility is being established and a resulting decrease in family income below income guidelines is not sufficient to establish historical economic disadvantage. Such cases must be reviewed carefully to determine longer term past patterns of economic disadvantage.

3. A maximum of 15 percent of the total number of HEOP students enrolled by an institution at any given time may come from households whose income exceeds 185 percent of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size for the applicable year, provided such institution has established to the satisfaction of the commissioner or his/her designee that unusual and extenuating circumstances as defined in this paragraph, exist for each such student.

Documentation shall be kept on file by the institution at which such students were enrolled, and shall be corroborated by a disinterested, reliable party. For purposes of this paragraph, unusual and extenuating circumstances shall be limited to the following:

1. Serious mismanagement of the household income with little accruing to the interest of the student; or
2. A one-time fluctuation in household income where there is a history of low income. Satisfactory evidence that a household's income in the three calendar years immediately prior to the calendar year used for determining the student's economic eligibility fell within the limits of the applicable household income scale shall be sufficient to establish the existence of a one-time fluctuation in household income; or
3. Households with substantial long-term non-reimbursed medical obligations; or
4. Families which must maintain two households to maintain employment if there is satisfactory documentation of a history of low income.

Reference to the household income scale need not be made if the student falls into one of the following categories, and documentation is available:

1. The student's family is the recipient of family assistance program aid or safety net assistance through the New York State Office of Temporary and Disability Assistance or a county department of social services; or is the recipient of family day-care payments through the New York State Office of Children and Family Services or a county department of social services or their successor offices;
2. The student is living with foster parents who do not provide support for college, and no monies are provided from the natural parents; or
3. The student is a ward of the State or a county.

The eligibility standards set forth in this section apply only at the time of admission as a first-time freshman to a program. Once admitted, a student will continue to receive supportive services as needed, even if the family income rises above the current eligibility standards. However, a student's economic status shall be reviewed under a recognized needs analysis system each year and

appropriate adjustments made in the student's financial aid package; students may only borrow more than the maximum loan amount to cover an amount equivalent to the Estimated Family Contribution.

The following shall be acceptable documentation of income:

1. Documentation of all income, earned dividends, and interest: signed copy of appropriate year's tax return (I.R.S. form 1040 or 1040a or 1040EZ, or 4506).
2. Documentation of no income: a copy of I.R.S. form 4506-T which has been filed by the student or family with the Internal Revenue Service or its successor office indicating that the student or parent did not file a return.
3. Documentation of pension, annuity, or unemployment benefits: letter from the applicable agency showing appropriate year's total award (if not reported on I.R.S. form 1040, 1040a or 1099).
4. Documentation of social security, supplemental security income or Veterans Administration noneducational benefits: letter from the applicable agency showing applicable year's total award for each member of the household or I.R.S. form 1099 for each member of the household.
5. Documentation of social services payments: verification from a branch of the Office of Temporary and Disability Assistance or Office of Children and Family Services or their successor offices, showing year of benefits received and names of recipients.
6. Documentation of child support and/or alimony: court order, affidavit, or student's financial aid form.
7. Documentation of additional members in household: birth certificates, marriage certificates, third-party verification, or similar documentation acceptable to the commissioner.
8. Income means all taxable and nontaxable funds which are received by the household. Such funds may be derived from sources including but not limited to wages, dividends, interest, social security, disability pensions, veterans' benefits, and unemployment benefits. The following shall not constitute income:
 - a. Monies received specifically for educational purposes from sources such as social security, veterans' cost of education benefits, and education grants from the Office of Vocational Rehabilitation or its successor office.

- b. Social services or public assistance payments received through the family assistance program, safety net assistance, and the family day-care program, or social security supplemental income.
9. All HEOP students must file a Free Application for Federal Student Aid (FAFSA) with the United States Department of Education or its successor for the academic year in which benefits pursuant to Section 6451 of the Education Law are sought.

Eligibility Documentation Policy

Each institution which has entered into a contract pursuant to section 6451 of the Education Law shall maintain on file a record of each student's completed grant and FAFSA applications and other documents establishing the student's educational and economic eligibility status for the program, by no later than 30 days from the commencement of the academic term. The institution may require having the applicants whose parents are self-employed certify that the income they are reporting to the institution is correct by submitting a notarized affidavit.

All student eligibility documentation is subject to review by NYSED and the Office of the State Comptroller (OSC) and/or other NYS auditors. If, during review, any students are found to have incomplete files, the institution will be notified in writing as to missing documentation that must be obtained and placed in the students' folders either as hard copy or stored electronically.

If NYSED staff finds during a documentation review that any student is ineligible for HEOP, NYSED reserves the right to ask for the student to be removed from the HEOP roster.

If the student is responsible for misreporting income and/or educational data, the student will be removed from the program/roster with no liability for the institution. If the IHE is responsible for admitting the student in violation of HEOP economic and/or educational eligibility requirements, the IHE is then responsible for the costs incurred and will be found liable, too. In these instances, the IHE will be informed in writing and enrollment reports and payments will be adjusted accordingly.

Certification forms, with signatures of the Chief Executive Officer, the Chief Financial Aid Officer and the HEOP Director, will attest to the educational disadvantage and economic eligibility of each program student. These forms must be submitted as part of the HEOP reports as described in the Reports section. See Appendix 2 for a sample educational and economic eligibility forms.

Equity and Non-Discrimination Policy

Students must be selected without regard to age, color, religion, creed, disability, marital status, veteran status, national origin, race, sex (including pregnancy), gender, genetic predisposition or carrier status, transgender status, or sexual orientation.

All HEOP students, including those with disabilities, must be provided the same level of accommodations as general admit students in all areas pertaining to their education including but not limited to on or off campus housing, food services, participation at conferences and workshops, and computer and laboratory access.

Wherever possible, institutions that provide on-campus housing must provide a mix of residential and non-residential opportunities for HEOP students consistent with the general population. All majors (restricted or otherwise – including those with additional costs) offered by the IHE to general admit students must be available to HEOP students. While the students may have to meet additional academic criteria as prescribed by that major, they cannot be restricted based on extra cost of attendance.

HEOP funds may not be used to support programs that are segregated on any basis, including admissions policy, housing arrangements, classroom facilities, and allocation of financial aid.

Open Admissions

HEOP students selected under open admissions should be tested for academic preparedness and, if necessary, be required to undertake remedial work and receive other supportive services necessary to do college-level work. To be considered for HEOP eligibility at an open admissions institution, a student must meet acceptable academic criteria that differentiate the HEOP student from general admitted students (e.g., lower test scores, lower GED/TASC scores than other admitted students). These criteria must be clearly described in the proposal.

Admissible students also need to meet one of the following eligibility criteria:

1. Possesses a high school diploma; or
2. Possesses a high school equivalency diploma; or
3. Is seeking a high school equivalency diploma under Commissioner's Regulations Section 100.7

Opportunity Transfer Students

Only students transferring from opportunity programs funded under Section 6451 or 6452 (Higher Education Opportunity Program, Educational Opportunity Program, Search for Education, Elevation, and Knowledge, College Discovery) of the New York State Education Law are eligible to transfer into HEOP.

The HEOP Director and the Admissions Officer must be aware of and adhere to the following in making decisions about prospective transfers: The semesters a transfer student has spent in any previous NYS opportunity program(s) will be used to calculate the student's remaining semesters of eligibility. The acceptance of these students in HEOP at a certain IHE is not automatic; they need to apply, be considered for transfer, and may be accepted at the discretion of the IHE if they meet the school's requirements at the time of transfer and if there is space available in that program.

All HEOP IHEs general transfer applications must contain an option for transfer applicants to identify themselves as opportunity transfer students (HEOP/EOP/SEEK/CD) and it has to be a part of the IHE proposal to this RFP. A copy must be attached to their file. An opportunity transfer student must also complete a specific HEOP transfer application detailing the number of semesters and of credits attempted at any other opportunity institution (HEOP/EOP/SEEK/CD).

A NYS-Opportunity program student who is transferring to a HEOP Institution must be made aware of the availability of space within the IHE's program as there is no waitlist for the Higher Education Opportunity Program transfer admissions.

It is the responsibility of the IHE's Admissions and HEOP offices to make sure that NYS-opportunity program transfer students are admitted to the IHE as HEOP students. NYS-opportunity students should not be transferred in as "general admit" students when applying to a HEOP Institution.

However, in the extenuating circumstance that a NYS-Opportunity program student chooses to accept transfer/admission and enrolls in an IHE as a general admit student, after being notified by the IHE that there are no seats available in HEOP, the student cannot be "moved" from general admit category into the IHE's HEOP if a space becomes available later.

This will prevent NYS-Opportunity program students from being put at a disadvantage by simultaneously taking loans above the limits prescribed and by not having any HEOP support for one or more semesters during which they may be on a "waitlist."

NYS Opportunity students who have been made aware that there are no seats available in that Institution's HEOP and choose to enroll as a general admit student forfeit their right to a seat in that IHE's HEOP when they accept admission as general admit transfers. However, such a student does not lose eligibility as an NYS-Opportunity student and may transfer to another NYS-Opportunity institution and resume the use of eligibility.

All IHE's must retain a completed and signed HEOP Transfer Student Certification Form (Appendix 3). Copies of transfer certification forms must be retained by the IHE that the student is transferring from and by the institution that the student is transferring to. NYSED reserves the right to request copies of transfer applications and transfer certification forms.

E. Full Need Packaging

The process of making financial aid determinations to ensure full need packaging must be documented and maintained by the HEOP director or institutional Financial Aid officer. The cost of attendance for HEOP students must include realistic subsistence costs, in addition to institutional charges. First-time HEOP Students attending the HEOP summer program cannot be charged for their attendance.

Financial Aid Award Letter and Revisions

1. Institutions must send a financial aid award letter to each HEOP student that clearly estimates a student's total need, by expense category, and the federal and state financial aid available for the student, by source.
2. All financial aid award letters should be mailed or sent electronically, and copies placed in the students' files in the HEOP office within a month of the start of the Fall term, or, if the student is a Spring semester admit, within a month of the start of the Spring term.

A revised financial aid award letter should be placed in the student's file prior to the end of the program year.

Maximum Allowable Loans

1. The maximum cumulative loan for a resident HEOP student to complete a baccalaureate program is \$30,000 and the maximum cumulative loan for a commuter HEOP student to complete a baccalaureate degree program is \$24,000 while the maximum cumulative loan for a resident HEOP student to complete an Associate's degree program is \$18,000 and the maximum cumulative loan for a commuter HEOP student to complete an Associate's degree program is \$14,400 for all students who start in the 2024-2029 RFP cycle.
2. It is strongly recommended that first-time HEOP students not be packaged with loans. However, if a first-time HEOP student is packaged with loans the student may not be packaged with more than \$6,000 per year for residential students and \$4,800 per year for commuter students.
3. An allowance of \$600 per semester in loans is permitted for NYC IHE resident students (for a total of \$36,000 for a resident HEOP student to complete a baccalaureate program in NYC and a total of \$21,600 for a resident HEOP student to complete an Associate's degree program).
4. The loan limits established in this RFP apply to all students who start within the 2024-2029 period and continue until the student graduates, provided that the student continues their enrollment in consecutive years.

F. Prorating Loans and Exceptions to the maximum allowable loans

For students who are transferring from other NYS opportunity programs (SEEK/CD/EOP), the IHE should assess the amount of loans the student has taken while in another opportunity program and package the student with no more than \$6,000 for residential students and \$4,800 for commuter students for each year the student is enrolled.

Example: Students who transfer to an IHE in their junior year and have two years to graduate can accrue up to \$6,000 in loans per year if they are resident HEOP students and up to \$4,800 in loans per year if they are commuter HEOP students at the new IHE.

If an opportunity student transfers out of the IHE to an institution without an opportunity program and then returns to a HEOP institution, the loan limits at the receiving IHE are not impacted by the loans taken by the opportunity student while attending an institution that does not offer a NYS opportunity program. Transfer NYS opportunity students must be packaged with no more than \$6,000 in loans for residential students and \$4,800 in loans for commuter students for each year the student is enrolled.

Exceptions can be made for students who need to take loans to cover no more than the expected family contribution (EFC). In the rare case of unusual and extraordinary circumstances where it is necessary for students to take out loans above the mandatory loan limits, IHEs must submit a written request to NYSED with documentation justifying packaging additional loans. This justification must be submitted and approved by NYSED before packaging a student with loans that exceed the loan limits. IHEs must not allow students to take out additional loans without prior approval. HEOP and Financial Aid offices at the IHE must work in conjunction to monitor HEOP students' financial aid and ensure compliance with this mandate. Institutions found not complying with this mandate will be required to adjust students' accounts to meet the above-mentioned loan maximums including but not limited to refunds and credits to the students.

G. Expenditures

Allowable Expenditures

Section 6451 of the Education Law and Section 152-1.5 of the Commissioner's Regulations specifically provide the only areas for which HEOP funds may be expended. Higher Education Opportunity Program funds must be spent only for:

1. Special testing, counseling and guidance services while screening potential enrollees.
2. Remedial courses, developmental or compensatory courses and summer classes for such students.
3. Special tutoring, counseling, and guidance services for such enrolled students.

4. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students.
5. Partial reimbursement for tuition for regular academic courses – up to 50%.
6. Student travel for academic activities or conferences as well as travel abroad as part of their program of studies.
7. Expenses related to helping students apply for and prepare for graduate or professional school, including preparation materials, guides, classes, fees for exams for graduate and professional schools and for professional licensure, and travel to and from test centers for graduate and professional schools and for professional licensure.
8. The hiring of HEOP enrolled students in a HEOP work-study program, such as peer tutoring, peer counseling, peer mentoring and activities related to HEOP and/or the administration of HEOP at the institution.

Non-Allowable Expenditures

HEOP funds may not be used to supplant funding of other existing programs. HEOP funds cannot be used for those expenditures made from Federal or other already available funds. If specific costs are deemed unreasonable or unnecessary in a proposal, NYSED, in collaboration with the HEOP Director, will modify the proposed budget to include only allowable expenses.

The following costs are non-allowable:

1. Rental of office or meeting space, storage facilities, equipment, fixtures, or communication cost (phone, postage, and/or electronic communication cost), clerical assistance, and staff travel.
2. Indirect costs (e.g., administration, office, security, utilities).
3. Salary or stipend of the HEOP Director's Supervisor or someone designated as a Principal Investigator for the grant contract.
4. Items which previously have been assumed by the institution.

Funds from NYSED sponsored programs

1. When several state funded programs for disadvantaged students exist on a campus (e.g., CSTEP), it is NYSED's recommendation to encourage cooperation and, where possible, joint programming.

2. "Double counting" of students for reimbursement for the same activity from more than one program will not be permitted.

When an institution offers multiple support programs, fiscal accountability for HEOP funds must be maintained by prorating the cost of services. The cost charged to HEOP funds must reflect the percentage of HEOP students in the total population served. Using these "shared services," HEOP students need not be served exclusively by HEOP-supported personnel, and HEOP supported personnel need not serve exclusively HEOP students, provided the overall program budget reflects the prorating concept and permits separate accounting of HEOP funds. Institutional documentation of the prorating methods and related data must be maintained as part of HEOP records.

H. Institutional Obligation

All HEOP students must be provided the same level of accommodations as general admit students in all areas pertaining to their education including but not limited to: on-campus residential housing, food services, attendance to conferences and workshops, computer and laboratory access, access to online courses with supportive services, sufficient office space, classroom space, study space, space for commuter students, etc., based upon the number of students served and the type of academic support services provided and other support for the program to be effective.

Staffing for HEOP must be consistent with the staffing levels for other institutionally based academic support services. Each institution's HEOP is required to commit to having a HEOP director on staff who serves as the administrative head of HEOP and is responsible for the day-to-day program management duties, program planning responsibilities, and program reporting.

Each institution is also responsible for providing sufficient academic support and clerical staff to meet the needs of the institution's HEOP students.

Because of limited state allocated HEOP funds, institutions are urged to use all available outside resources and all possible institutional resources to maintain the effort in support of HEOP.

Maintenance of effort means that institutions should provide at least the same level of program support and student financial aid per student as in the previous year of funding.

Public Relations & Attribution of HEOP Funding

To ensure the continued support and the commitment of resources of an IHE to Arthur O. Eve HEOP, there must be public awareness of the program's positive impact on the lives of HEOP participants and their families, schools, and communities. Positive publicity and community awareness also help to

ensure that those who are eligible and who could benefit from participation are informed of your program's existence.

To facilitate public awareness, all HEOP funded Institutions must ensure that all public relations materials and activities, such as institutional brochures and award ceremonies, as well as web postings on the institution's own and associated web sites and on Facebook, Twitter, Instagram, Tik-Tok, and any other social media outlets, acknowledge that the institution's HEOP and its activities are supported, in whole or in part, by the New York State Education Department. Also, when local, statewide, or national media report on the achievements or honors received by HEOP students or staff, the New York State Education Department's funding must be acknowledged. In addition, the HEOP director must submit copies of all local, statewide, or national media stories about their program and/or the program participants and staff to the State Education Department at the following email address RFPGC24-001@nysed.gov. The foregoing publicity requirements are subject to any additional terms and conditions that are defined in the master grant contract.

Institutional Matching funds

A minimum of 25% match of the requested HEOP grant is required from the institution's own resources. Institutional accounts must be structured to reflect this contribution by appropriate line item.

HEOP funds cannot be used for indirect costs. Further, federal and state grant funds may not be used for matching purposes. Indirect expenses which may be included as an institutional match, shall not exceed twenty percent (20%) of the total institutional matching funds.

Each institution participating in HEOP is responsible for maintenance of effort which means providing at least the same level of tuition assistance, academic support services, and supplemental financial assistance per student in each consecutive year of the funding cycle (2024 – 2029).

I. Budgets (FS-10)

Applicants must submit an FS-10 budget with this application for the first year (2024-2025) of the project period and every year thereafter. The budget will be reviewed and scored.

Budgeted costs must comply with applicable State and Federal laws and regulations, HEOP RFP, and the Department's Fiscal Guidelines. FS10 approval cannot override the law. Applicants must comply with allowable expenditures in their proposed budgets.

These guidelines, as well as the FS-10 form, are available online as follows:

- Budget (FS10 form): [FS10 Template Form](#)
- Composite budget: [Composite Budget Template Form](#)
- HEOP fiscal guidelines: [FS10 HEOP Guidelines](#)

The FS-10 must bear the original signature of the College/University President/Chancellor (Chief Executive Officer) or that person's designee.

1. To ensure audit accountability, each institution must adhere to the Generally Accepted Accounting Principles and reflect HEOP Maximum Allowable Loans and institutional monies by line item, separate from all other institutional accounts. State, institutional, Federal, and other grant funds must be clearly delineated. Each student's financial aid account must reflect all aid sources separately, including HEOP tuition funds and supplemental financial assistance (e.g., room and board). The HEOP grant supplements other sources of aid included in a student's financial aid package. HEOP funds will be considered "first-out" in cases of over-packaging found on audit, review, or site visit (i.e., if a student is overpackaged without loans, then HEOP funds are the first to be removed from the financial aid package).
2. The HEOP director must be involved in and responsible for the preparation of budgetary documents and coordination of HEOP fiscal affairs. In addition, the HEOP director is responsible for the day-to-day administration of HEOP at the campus as well as the recruitment, planning, and reporting requirements of the program. The institution's Chief Executive Officer is ultimately responsible for the implementation of the HEOP contract on the campus.
3. NYSED staff will review budget(s) submitted by the HEOP director. Budget(s) must be modified if they include non-allowable items. The HEOP director will be notified by NYSED in the event that budget(s) needs to be modified.
4. All HEOP related institutional records, including student and fiscal records, are subject to audit by the State Education Department and the Office of the State Comptroller, or an agency designated by one of the above.

Information about the categories of expenditures and general information on allowable costs, applicable cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).

For more information, visit the [Grants Finance website](#).

Allowable direct costs include the following:

Academic support services

Including HEOP administrative direction, counseling, academic guidance, remedial/developmental education, summer academic programs, tutoring, academic support, and similar academic activities related to special testing, counseling, and guidance services during the screening of potential enrollees.

1. Salaries for Professional Staff, including the HEOP Director, as well as salaries for assistant directors, counselors, faculty, professional tutors, and professional counselors, should be recorded under Code 15 Professional Salaries.
2. The pay for HEOP students employed as a HEOP work-study program, Educational Assistants, and part-time tutors and counselors should be recorded under Code 16 Support Staff Salaries.
3. Costs of consultants and other contractual services should be recorded under Code 40 Purchased Services.
4. Other Academic Support Services deemed allowable under sec. 6451 of the Education Law and Section 152-1.5 of the Commissioner's Regulations for HEOP, including special testing, tutoring or guidance services, should be recorded under the appropriate FS-10 category.
 - a. Fee waivers may be granted by the test examining agency for low-income-family/students. Waivers should be sought before using HEOP funds for testing services.
 - b. Payments related to helping students apply for and prepare for graduate or professional school are allowed. This includes preparation materials, guides, classes, fees for exams for graduate and professional schools and for professional licensure. It is necessary to retain waivers on file as well as receipts for expenditures in this category consistent with the accounting and purchasing procedures of institutional policy, along with all agreements between the institution and contractor(s) and reports provided by the contractor.
 - c. The rate for fringe benefits cannot exceed the actual rate paid by the institution and should be recorded under Code 80 Employee Benefits.

Remedial, Developmental, Compensatory, and Summer Courses

1. Section 6451 of Education Law allows for HEOP funding of "remedial courses, developmental or compensatory courses and summer classes."
2. Institutions may request HEOP funding of tuition charges for remedial and developmental courses as required and budgeted under Code 40 Purchased Services.
3. If the HEOP grant and/or institution budget is paying the salary of the course instructor as recorded under Code 15 Professional Staff, HEOP and/or institution funds must not be used to pay for tuition for that course.
4. If the HEOP grant and/or institution budget is paying the salary of the course instructor, as recorded under Code 15 Professional Staff, the institution must not charge tuition for such a course or list tuition as an institutional contribution.
5. When both HEOP and non-HEOP students are enrolled in a remedial or developmental course, the salary of the instructor paid by HEOP funds must be prorated accordingly.
6. If a student is enrolled in a remedial or developmental course in which a tuition charge is based only on the credit portion of the course, HEOP funds may be requested for the costs of the remaining portion of the course (under code 40 Purchased Services).

Example: A student enrolls in a developmental English course meeting four contact hours/week (fifteen-week semester) for three credits. The student is charged tuition based on the three credits. HEOP funds may be requested for the actual costs of instructional time for the remaining hour of the course.

7. If HEOP pays an instructor's salary for coursework used to generate a student's tuition charges, the student's tuition must be reduced by a proportionate amount.

Example: If a full-time matriculated student is taking 12 hours in a semester of which 3 hours are in a remedial or a developmental course (where remedial/developmental tuition or the instructor's salary is paid for by HEOP), the student may only be charged $\frac{3}{4}$ of the total regular tuition charge for that semester.

Tuition Assistance

1. Under the provisions of Section 6451 of the Education Law and 152-1.8 of the Commissioner's Regulations, such funds must be limited to the costs of developmental, remedial, and compensatory courses; and to reimburse the institutions for no more than 50 percent of the tuition charged for the regular academic program (courses must be related to the student's program of study).

2. Grantees may request tuition reimbursement on a schedule that is consistent with the institution's standard tuition collection processes. For example, if a grantee collects tuition from students prior to the start of each semester, and after the end of the previous semester, that institution will request tuition reimbursement for that semester during that same time period. Budgeted tuition costs must be based upon the actual student FTE of HEOP students currently enrolled in the institution for that semester or the projected FTE of HEOP students for new programs.
3. Tuition Assistance should be recorded on the FS-10 budget form under category Code 40 Purchased Services.

Supplemental Financial Assistance

Under the provisions of section 6451 of the Education Law, such funds are limited to:

1. Room and board for resident students and meals for commuter students or a portion thereof should be recorded on the FS-10 under category Code 40 Purchased Services.
2. Travel to and from the student's home, for both residential and commuter students, including study abroad as deemed necessary by the academic course of study is permitted as well as student travel for academic activities or conferences, and travel to and from test centers for graduate and professional schools and for professional licensure; travel expenses should be recorded under Code 46 Travel Expenses.
3. Textbooks and instructional materials as deemed necessary by the program of study should be recorded under Code 45 Supplies and Materials.
4. Personal expenses, with a limitation of \$1,000 per year, should be recorded under Code 45 Supplies and Materials.
5. Medical, vision and dental insurance should be recorded on the FS-10 under category Code 40 Purchased Services.

Transfer of Funds

1. Consistent with the [Fiscal Guidelines for Federal and State Grants](#), budget transfers must be requested using Form FS-10-A: Proposed Amendment for a Federal or State Project. HEOP Directors must first email their NYSED liaison and make a request to amend their budget. After receiving an emailed request, the liaison will send an invitation to the Director to complete an FS-10-A.

After drafting the FS-10-A, the HEOP Director needs to inform the corresponding NYSED liaison that the budget amendment is ready to be reviewed. After review, the liaison may

request corrections or more information. When the liaison determines that the FS-10-A is satisfactory, an email confirmation will be sent. Any budget amendments that do not follow this procedure may not be reviewed and may cause delays in amending budgets.

2. For years 1 through 4 (2024-2028), FS-10-A forms must be submitted anytime between the start date of any funding year and May 1st of that year. For the last year (2028-2029) in the program cycle (2024-2029), the deadline for the request for approval of transfer of funds is April 15th for the budget period.
3. Funds must not be expended until the budget amendment has been approved in writing by the Grants Finance Office, and if applicable, approved by the Office of the State Comptroller.
4. A formal contract amendment will be required if a budget amendment results in transfer of funds between budget categories of more than ten percent of the total contract value for contracts under \$5 million, or five percent of the total contract value for contracts over \$5 million. This contract amendment will require the approval of the Attorney General and the Office of the State Comptroller, in addition to SED.
5. Failure to follow the procedures outlined above may result in the disallowance of all expenditures not previously approved by SED.

J. Entities' Responsibility

Projects must operate under the jurisdiction of the appropriate governing body (e.g., Board of Trustees) and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education, or other appropriate governing body (Board of Trustees), is responsible for the proper disbursement of, and accounting for project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations and inventory control must be followed. Supporting or source documents are required for all grant-related transactions entered into the local agency's recordkeeping systems. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time and effort records, delivery receipts, vendor invoices, travel documentation and payment documents.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment was made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by State Education Department officials or its representatives.

For additional information about grants, please refer to the [Fiscal Guidelines for Federal and State Aided Grants](#).

K. Reporting

Grantees must submit performance reports as described below. The performance reports should demonstrate that substantial progress has been made toward meeting the project goals and the program performance indicators. Additional information about the annual performance reports will be made available to grantees by SED after grant awards are made.

Awards will be subject to the availability of funds and satisfactory performance of the grantee in previous academic years, including but not limited to meeting 95% of the contracted number of FTEs and having HEOP students meet at least 90% of the overall retention and graduation rates at that IHE. IHEs not meeting the 95% threshold for contracted FTEs can only ask for the reimbursement of funds congruent with the actual enrollment (e.g., if only 80% of the contracted FTEs were served during the year, the IHE can only be reimbursed for 80% of the allocated funds).

1. Each institution receiving a HEOP award will be required to submit to NYSED two program reports annually: an interim report and a final report.
2. The interim report is due every year on the third Friday of November. This report specifies the participating HEOP students in the Summer Session (by name) and the headcount and FTE for the students enrolled that Fall in a form and manner prescribed by NYSED. The student FTE reported on the interim report will be used to ensure that the institution has met its contracted number of FTEs. Certification forms, with signatures of the Chief Executive Officer, the Chief Financial Aid Officer and the HEOP Director, will attest to the educational disadvantage and economic eligibility of each program student.
3. The HEOP final programmatic reports are due on July 30th after each program year. This programmatic report, in a form and manner prescribed by NYSED, outlines the institution's expenditures and activities in HEOP for the program year and provides:
 - a. An analysis of program operation in terms of the stated objectives and the extent to which the objectives were achieved.
 - b. An analysis of the progress of students served by the program with a comparison to other students enrolled by the institution.
 - c. An itemization of the institution's support of such program during the contract period including the use of outside (Federal, State, and local) funds.
 - d. Plans for program change, expansion, and development.

- e. The extent and nature of faculty, staff, student, and community involvement and participation in program development and implementation to improve retention and graduation rates.
- f. As indicated, the institution's program reports will be reviewed upon receipt by NYSED for accuracy and completeness. The institution will be notified if its submission is incomplete and/or requires additional information.
- g. Extensions of programmatic report deadlines must be requested and approved in writing by the program office prior to the deadlines. Acceptable written notification may include email, regular mail, or fax. All communication relating to an extension of reporting deadlines must be copied to the President of the IHE or his/her designee. An extension may only be approved for a maximum of 10 business days after which, if the report is not finalized, the HEOP funds will not be released until it is finalized; if the report is not finalized within 30 business days, then all NYSED funds to the institution will not be released.

L. Monitoring

NYSED intends to perform one technical support and site visit per five-year grant cycle for each grant recipient in a form and manner prescribed by NYSED. Desk reviews of student records will be performed before such a visit. Documentation must be sent securely as prescribed by NYSED and not by email.

Maintenance of HEOP Records

1. Fiscal records, including those identifying the expense of HEOP funds, must be maintained for seven full years, or longer if required by institutional policy or practice.
2. Student records must be maintained for six years after the student graduates.
3. If a student withdraws from the institution prior to graduation, the student's HEOP record must be maintained for six years from the end of the academic term in which the student withdrew, or longer if required by institutional policy or practice.

Audit or litigation will "freeze the clock" for records retention purposes. Supporting documentation related to an issue under audit or litigation must be retained until resolved or the above general rule for record retention, whichever is longer. This also applies to institutions that are phased out from HEOP.

Probation for HEOP Institutions

Circumstances in which the IHEs will be put on probation:

1. Not meeting a 90% threshold for contracted FTEs for two (2) consecutive years.
2. Non-compliance with RFP requirements (e.g., consistently submitting delinquent reports and budgets, exceeding maximum loan limits).
3. Retention and/or Graduation Rates for HEOP students less than 90% of the IHE's overall students' rates for two (2) consecutive years.

IHEs on probation will be required to submit to a performance improvement plan and will be subject to receiving a site visit at NYSED's discretion. An IHE not meeting the above requirements for the last year of the previous RFP cycle may be put on probation in the first year of the upcoming cycle should they apply for and be awarded a grant.

Phase-out procedures

Funds will be prioritized to support currently enrolled HEOP students in projects that phase out, subject to availability of funding.

1. Phase out due to institutional decision to stop participating in HEOP

Institutions funded in the 2024-29 RFP that decide to stop participating in HEOP will be phased out from HEOP. The phase-out plan between SED and the IHE must continue to include full-need packaging to allow remaining HEOP students to be supported for up to four years beyond the end of the initial contract period or until all remaining HEOP students graduate/transfer/exhaust eligibility, whichever is sooner. During the phase-out period, the institution must still provide all support services mandated by the RFP and may continue to use HEOP funds for this purpose, if approved by SED as part of the phase-out plan. During this period an institution cannot recruit any new students; however, they can accept returning students with NYSED's prior approval, provided that the students can graduate within the phase-out period.

2. Phase out due to insufficient improvement during probationary period

Institutions that have been on probation for two or more consecutive years with insufficient improvement may be phased out from HEOP. Institutions being phased out for probationary reasons will only receive funding for full-need packaging for their HEOP students; however, funds cannot be used towards administrative expenses, such as staffing, or any other support services. The phase-out period will be up to four years beyond the end of the initial contract period or until all remaining HEOP students graduate/transfer/

exhaust eligibility, whichever is sooner. The institution must still provide all support services mandated by the RFP during the phase-out period; however, HEOP funds cannot be used for this purpose. During the initial probation period these institutions can add students to allow them to meet the contracted FTEs. Once a determination has been made that an institution will be phased out, it cannot recruit any new students, however, they can accept returning students with NYSED's prior approval, provided that the students can graduate within the phase-out period. An IHE that was phased out due to insufficient improvement during probationary period of the 2019-24 RFP cannot apply for the 2024-29 RFP.

3. Phase out due to unsuccessful reapplication

Current HEOP IHEs that are unsuccessful in their reapplication in the next round of 2024-2029 funding cycle will be phased out from HEOP. Institutions being phased out for unsuccessful applications will only receive funding for full-need packaging for their HEOP students; however, funds cannot be used towards administrative expenses, such as staffing, or any other support services. The phase-out period will be up to four years beyond the end of the initial contract period or until all remaining HEOP students graduate/transfer/exhaust eligibility, whichever is sooner. The institution must still provide all support services mandated by the RFP; however, HEOP funds cannot be used for this purpose. During this period an institution cannot recruit any new students, however, they can accept returning students with NYSED's prior approval, provided that the students can graduate within the phase-out period.

Timetable for Payment

1. The Grant Contract is fully executed when it has been signed by the IHE's Chief Executive Officer, the New York State Education Department, the Office of New York State Attorney General, and the New York State Office of the State Comptroller.
2. Not-for-Profit Grantees:
 - a. The initial payment of 25% of the annual budget will be made no later than 90 days after the beginning of the budget period.
 - b. Subsequent payments will be made following the submission and approval of an FS-25 form, based upon actual expenses to date, plus anticipated expenditures for the next month. Regardless of the amount of anticipated expenditures, requests for funds using FS25s may total no more than 90 percent of a grantee's budget for that budget period.
 - c. The final payment occurs upon the approval of the Final Program and Expenditure Report (FS10F). FS10Fs are due on July 30th after each program year and will be submitted directly to NYSED's Grants Finance office. The final budget report must

match expenses that were approved in the FS-10, or the most recently approved FS-10-A. Grants Finance will inform the program office if there are unallowable expenses in the FS-10-Fs. FS-10-Fs that do not match the approved expenses are subject to be rejected and will further delay final payment to the institution. The FS-10-F form can be found at the following website in Excel format: [FS10F Template Form](#).

Note that late submissions of budgetary forms and reports may result in the suspension of funds.

- d. FS 25s and FS10Fs forms need to be sent to the following address:

**Grants Finance
NYSED
Room 510W EB
89 Washington Avenue
Albany, New York 12234**

3. For-Profit Grantees: For-profit grantees will not receive advance payments. They may receive interim payments (up to 90 percent of the grant contract), but only actual expenditures will be reimbursed. The final reimbursement payment occurs upon the approval of the Final Program and Expenditure Reports (FS10F). Late submissions of budgetary forms and reports may result in the suspension of funds.
4. All Grantees: Grantees may request tuition reimbursement on a schedule that is consistent with the institution's standard tuition collection processes. For example, if a grantee collects tuition from students prior to the start of each semester, and after the end of the previous semester, that institution will request tuition reimbursement for that particular semester during that same time period. Budgeted tuition costs must be based upon the actual student FTE of HEOP students currently enrolled in the institution for that semester.

Accessibility of Web-Based Information and Applications

Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified, or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information, and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by NYSED employee or contractor, and the results of such testing must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

Requirements of Education Law Section 2-d

The Contractor agrees to comply with FERPA and New York State Education Law § 2-d. The NYS Education Department (NYSED) is required to ensure that all contracts with a third-party contractor that has access to or receives information include a Data Privacy and Security Plan, pursuant to Education Law § 2-d and § 121.6 of the Regulations of the Commissioner of Education.

NYSED's Data Privacy Appendix (Attachment R), annexed to this RFP, the terms of which are incorporated herein by reference, shall also be part of the Contract.

M. Requirements for Funding

Payee Information Form/NYSED Substitute W-9 – The [Payee Information Form](#) is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specific instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through the NYSED.

N. Prequalification for Individual Applications

Pursuant to the New York State Division of the Budget bulletin H-1032, not-for profit organizations must prequalify to do business with New York State agencies before they can compete for State grants. The process allows nonprofits to address questions and concerns prior to entering a competitive bid process. Nonprofits are strongly encouraged to begin the Prequalification process as soon as possible.

To become prequalified, a nonprofit must register with Grants Gateway and complete an online Prequalification application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents.

Detailed information on how to register with the Grants Gateway and become prequalified is available on the Grants Management website (<https://grantsmanagement.ny.gov>).

Disclaimer: New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.

Proposals received from nonprofit applicants that are not Prequalified in the Grants Gateway by 5:00 PM on the proposal due date cannot be evaluated. Such proposals will be disqualified from further consideration.

O. Method of Award

Awarding of Funds to Non-Profit Institutions

Each eligible proposal will be reviewed by at least two individuals. Each reviewer will score the proposal according to the indicated point criteria in the Proposal Narrative and the Budget using the Proposal Evaluation Rubric. If individual scores are more than 15 points apart, another reviewer will score the application. The two scores closest in numeric value will be averaged to calculate the final average score of the application. If the third reviewer's score is equal to the average of the two original scores, the third reviewer's score will become the final score.

Each proposal will be categorized according to the Regents Higher Education Regions. See [Postsecondary Education Regions of the Regents](#).

The highest-ranking applicant in each region with a passing score will be funded at the amount of their request, pending modification of the budget if it includes unallowable expenses.

The remaining funds will be pooled into a single statewide sum to be awarded to the remaining eligible unfunded applicants in rank order by final application statewide score. This process should result in at least one program per region and should also support those meritorious applications competing on a statewide basis.

Proposals that receive a final average score of 60 or more will be considered for funding. In the event of a tie, the proposals with a higher score on the Proposal Narrative – Part 1 will be ranked higher. A second tie breaker will be the highest score on Academic Support Services scoring rubric in the Proposal Narrative of the application. Budgets will be adjusted to eliminate any unallowable or inappropriate expenditure by NYSED's HEOP office.

If there are funds remaining that will not fully support funding the next highest application in the statewide ranking, that applicant will be given the opportunity to receive a partial award. If an eligible applicant chooses not to accept the partial award, the next eligible applicant will be contacted.

If additional funding becomes available, and NYSED chooses to distribute this funding to applicants of this current RFP, NYSED will allocate the funds in this order by:

1. Making whole any funded programs that have received a partial award;
2. Approving awards, in rank order, for eligible applicants who received passing scores, but who did not rank high enough to receive the initial funding; and
3. Allocating additional funds proportionally among already awarded programs, based on their total award amount. Such a plan will be subject to review and approval by the Office of the State Comptroller.

If there is a reduction in funding for HEOP, the fiscal reduction will be made across the board on all funded programs, based upon the proportion of FTEs of each institution as part of the total HEOP FTE state-wide.

Awarding of Funds to For-Profit Institutions:

1. A maximum of \$600,000 will be set aside for the highest-ranking for-profit applicants statewide providing that they receive a passing score of 60 points or more on the Application.
2. For for-profit applicants, the 20 points available for the financial portion of the application will be awarded pursuant to a formula. This calculation will be computed by the Contract Administration Unit upon completion of the technical scoring by the technical review panel.
3. The financial score will be determined based on the following criteria: requesting the lowest HEOP tuition assistance reimbursement amount per academic year FTE (10 points), requesting the lowest academic support service reimbursement amount per academic year FTE (5 points), and requesting the lowest HEOP supplemental financial assistance reimbursement amount per academic year FTE (5 points). The points for each of these components are added together, creating a fiscal viability score.
4. The aggregate score of both the Narrative Application (technical) and Budget/Budget Narrative (cost) will be calculated for each proposal that has passed the technical review stage.
5. The contract(s) issued pursuant to this RFP will be awarded to the for-profit applicant whose aggregate technical and cost score is the highest among all the for-profit proposals rated, and then the next highest-ranked for-profit applicant, and the next, until there are insufficient funds to award the next ranked for-profit applicant in full. These applicants will be funded at the amount of their request, pending modification of the budget if it includes unallowable expenses.
6. In the event of a tie score, the contract will be awarded to the applicant whose budget component reflects the lowest overall cost.
7. If there are no eligible for-profit applicants or if funds remain after awarding the for-profit applicants, these funds revert to the non-profit allocation method.
8. Programs administered by for-profit institutions are subject to the same operational controls and guidelines as those for other awardees.

P. Debriefing Procedures

All unsuccessful applicants may request a debriefing within fifteen (15) calendar days of receiving notice from NYSED. Applicants may request a debriefing letter on the selection process regarding this RFP by submitting a written request to RFPGC24-001@nysed.gov.

The Fiscal Contact person will make arrangements with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days, the program staff will issue a written debriefing letter to the bidder.

Q. Contract Award Protest Procedures

Applicants who receive a notice of non-award or disqualification may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed with the Contract Administration Unit at RFPGC24-001@nysed.gov.
3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within ten (10) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.
4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

R. Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals

The Higher Education Opportunity Program (HEOP) is an educational academic program outlined in section 6451 of the Education Law. The program enables institutions of higher education to provide economic and academic assistance to students specifically recruited to participate due to their economic and academic disadvantage. The statute creating HEOP does not include sufficient identifiable procurement possibilities to warrant the inclusion of MWBE provisions in this RFP.

The New York State Division of Minority and Women's Business Development (DMWBD) allows state agencies and authorities to reasonably exclude, from their annual MWBE Goal Plan, goods, materials, or services that have been determined to offer no MWBE prime or subcontracting opportunities.

Notwithstanding the foregoing, NYSED remains committed to promoting the participation of certified Minority and Women-Owned Business Enterprises. Therefore, NYSED strongly encourages applicants to seek New York State certified M/WBE subcontractors or suppliers to the extent possible for expenditure items in their budget submissions.

S. Contract Terms and Conditions

Grant awards to non-profit and for-profit organizations will require that the awardee enter into a grant contract, the form of which is contained in an attachment to this RFP. In addition to being signed by the awardee and NYSED Counsel, the contract will need to be submitted for review and approval by the NYS Attorney General and the Office of the State Comptroller. All provisions of this RFP are subordinate to the terms and conditions of the grant contract. The contents of this RFP, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

T. NYSED's Reservation of Rights

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offeror's proposal and/or to determine an offeror's compliance with the requirements of the solicitation; (16) request best and final offers.

U. Vendor Responsibility

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not

exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see [OSC's website](#).

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the [VendRep System Instructions](#) or go directly to the [VendRep System online](#).

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the [Office of the State Comptroller's Help Desk](#) at 866-370-4672 or 518-408-4672 or by email at ITServiceDesk@osc.ny.gov.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the [VendRep website](#) or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract.

V. Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in the Master Contract for Grants states that in accordance with Section 142 of the State Finance Law, a contract shall be void and

of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

PROOF OF COVERAGE REQUIREMENTS

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.

Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12** – Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200** – Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the

contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** – Certificate of Disability Benefits Insurance; or
- **Form DB-155** – Certificate of Disability Benefits Self-Insurance; or
- **CE-200** – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the [New York State Workers’ Compensation Board website](#). Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

W. Application Forms

**Higher Education Opportunity Program
Application Cover Page**

Agency Code

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Name Applicant Agency:		Name and Title of Contact Person:
Address:		Telephone:
City:	ZIP Code:	Fax:
County:		E-Mail:

I hereby certify that I am the applicant’s chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, and the terms and conditions outlined in the Master Grant Contract, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYSED or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Number of Students Served and yearly amounts requested

Year	FTEs*	Amount Requested*
2024-25		
2025-26		
2026-27		
2027-28		
2028-29		

Original Signature** of Chief Executive Officer /President: Date:	Typed Name of Chief Executive Officer/President:
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*The number of FTEs and award amounts are expected to remain the same each year for current programs. For start-up programs, FTEs and award amounts may increase, as additional students enroll each year, until FTEs level off in the fourth year of funding. Fill that information in the [Composite Budget](#).

****The following forms of e-signatures are acceptable:**

- a. handwritten signatures on faxed or scanned documents
- b. e-signatures that have been authenticated by a third-party digital software, such as DocuSign and Adobe Sign
- c. stored copies of the images of signatures that are placed on a document by copying and pasting or otherwise inserting them into the documents

Unacceptable forms of e-signatures include a typed name, including a signature created by selecting a script or calligraphy font for the typed name of the person "signing"

To identify the signer and indicate that the signer understood and intended to agree to the terms of the signed document, the signer will sign beside or provide by email the following attestation: "I agree, and it is my intent, to sign this document by [describe the signature solution used] and by electronically submitting this document to [name of recipient individual or entity]. I understand that my signing and submitting this document is the legal equivalent of having placed my handwritten signature on the submitted document and this attestation. I understand and agree that by electronically signing and submitting this document I am affirming to the truth of the information contained therein."

Application Checklist

Listed below are the required documents for a complete application package, to be submitted with the application. Use this checklist to ensure that your application submission is complete and in compliance with application instructions.

Required Documents	Checked-Applicant	Checked-SED
Application Cover Page with Original Signature of Chief Executive Officer / President	<input type="checkbox"/>	<input type="checkbox"/>
Payee Information Form (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>
Acknowledgement Form	<input type="checkbox"/>	<input type="checkbox"/>
Proposal Narrative	<input type="checkbox"/>	<input type="checkbox"/>
FS-10 Budget (original signature required)	<input type="checkbox"/>	<input type="checkbox"/>
Composite Budget	<input type="checkbox"/>	<input type="checkbox"/>
Budget Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Worker's Compensation Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>
Disability Benefits Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>
Is the applicant pre-qualified, if required? (While no documentation is required with the application, the applicant may be required to prequalify in order to be eligible for this grant opportunity)	<input type="checkbox"/>	<input type="checkbox"/>
Is the applicant a for-profit IHE?	Yes	No
<p>SED Comments</p> <p>Has the applicant complied with the application instructions? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SED Reviewer: _____ Date: _____</p>		

Acknowledgement Form

Institution Name: _____

By signing below, the applicant acknowledges the following important program aspects:

- The institution will operate an Academic Entry Program with a minimum of 4 weeks for all first-time students.
- The HEOP director will report to a senior level administrator as defined in the 2024-2029 RFP.
- The HEOP Director will remain at least 0.5 FTE for the duration of the program.
- The institution will ensure HEOP students will be fully packaged and not be encumbered by cumulative loans above the HEOP RFP mandatory limit of \$24,000 for commuter students and \$30,000 for resident students (a total of \$36,000 for a resident HEOP student to complete a baccalaureate program in NYC).
- The institution will meet the minimum of 25% institutional match required for the duration of the grant.
- All majors (restricted or otherwise – including those with additional costs) offered by the IHE to general admit students are available to HEOP students.

Chief Executive Officer / President:

Print Name: _____

Sign & Date: _____

CERTIFICATION – Prevention of Sexual Harassment Policy

By submission of this application, each applicant and each person signing on behalf of any applicant certifies, and in case of a joint application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at minimum, meet the requirements of section two hundred one-g of the labor law.

X. Proposal Guidelines

Page Limits

Proposal Narrative and Budget Narratives will have to meet a page limit; unauthorized attachments or addenda will not be read by the reviewers. The proposal and attachments must be double-spaced 8.5" x 11" pages with one-inch margins. Use Calibri font in a 12-point size.

1. Proposal Narrative - no more than 28 pages not including tables and graphs
2. Budget Narrative - no more than 3 pages

Charts/tables are not included in the maximum number of pages and not required to adhere to the format prescribed.

Each IHE may submit more than one proposal if:

- a. the IHE has different sets of student populations that qualify for HEOP (e.g., a proposal for a program dedicated to full-time students and a separate proposal for a program dedicated to part-time students)
- b. the IHE has different schools or colleges under a central authority and/or charter and there are separate admission standards for each school or college

The maximum number of FTE for any institution of higher education making one or more HEOP applications will be capped at a total of 650 FTE per program year. No funds will be provided for more than 650 FTEs - regardless of the number of separate applications submitted for separate campuses or different sets of student populations that qualify for HEOP. The Budget must include the FS-10 budget form, a budget narrative (see evaluation rubric) and a composite budget, which provides explanation and background justification for all expenses entered onto the FS-10 to include the institutional contribution and funds from other sources. HEOP expenses and matching funds will be grouped under the FS10 allowable categories.

In requesting HEOP funds, both current and start-up program applicants must base the FTE number in their budget requests on the number of students enrolled in the first year of the funding cycle. Start-up programs must include the projected FTEs for years 2-5, as these FTEs will be used to calculate budget awards for years 2-5; staffing plans for these applicants must account for the increase in FTEs within the first four years. The number of FTEs expected each year for current programs must remain the

same. For start-up programs, FTEs may steadily increase, as additional students enroll each year, until FTEs level off in the fourth year of funding.

Proposal Narrative (80 points)

Provide a comprehensive description of the proposed project. Be clear, precise and adhere to the following required format. Make sure to avoid circular reasoning. The narrative will be reviewed in accordance with the following points and rubric.

1. Executive Summary (2 points)
2. Organizational Background (8 points)
3. Need (4 points)
4. Goals/Objectives (6 points)
5. Methods (5 points)
6. Recruitment and Admissions (8 points)
7. HEOP Summer Program (10 points)
8. Academic Year Academic Support Services (15 points)
9. Student Financial Aid (20 points)
10. Probation and Termination Policies and Procedures (2 points)

I. Narrative

- A. Application Cover Page
- B. Table of Contents
- C. Executive Summary: (1-page max) 2 points

This section summarizes the proposal's purpose, scope, and outcomes.

- D. Organizational Background ("**Who**" section): (3 pages max) 8 points

This section should include:

1. An overview and brief description of the organization.

2. This section should explain why your organization is qualified to be a HEOP institution; this includes a brief history, accomplishments, qualifications, and experience in education opportunity programs and/or serving the needs of disadvantaged populations.
3. Description of compliance with reporting requirements and student outcomes in the last HEOP cycle or for similar opportunity programs (e.g., C/STEP, TRIO, or similar campus-based programs supported by the IHE).

4. IHE Interrelationships:

- a. Provide a copy of the organizational chart of the institution and of the area of responsibility of the official to whom the HEOP Director reports. **The HEOP director must report to a senior level administrator of the institution.** A senior level administrator is one who directly reports to either the institution's President, Chief Academic Officer, and/or governing board or boards. The institutions are strongly encouraged to have the HEOP director report to a Chief Academic Officer (e.g., provost or Vice President of Academic Affairs).
- b. List the campus-wide committees on which HEOP staff members serve.
- c. Please reference the following and include as attachments:
 - i. A section on Key Personnel and/or HEOP Management
 - ii. Job/Title Descriptions (do not use resumes in lieu of Job/Title Descriptions).

5. Internal Program Relationships:

Describe the internal structure of the HEOP office. Include:

- a. The HEOP staff positions that have coordinating responsibilities for the major components of the program (e.g., summer program, admissions, financial aid, counseling, tutoring, evaluation, budgeting, reporting).
- b. A HEOP organization chart for all program-related personnel.

E. Need (“**Why**” section): (2 pages max) 4 points

This section should include:

1. Why does the institution seek to operate HEOP?
2. A description of the target population, including the local and other communities, the institution is seeking to serve, and include information such as demographics, poverty, educational opportunities, and high-needs high schools in the areas served. Recruitment from the local community is encouraged.

F. Goals/Objectives (“**What**” section): (4 pages max) 6 points

This section should include:

1. Goals: should be in accordance with the goals for HEOP as established by SED which are:
 - a. To enroll the most educationally and economically disadvantaged HEOP eligible students in competitive programs of study (e.g., nursing, engineering). All majors (restricted or otherwise – including those with additional costs) offered by the IHE to general admit students must be available to HEOP students.
 - b. To provide the necessary training and supportive services that assist HEOP students in succeeding academically.
 - c. To engage and retain HEOP students to graduation and assist them in pursuing postgraduate academic and/or employment opportunities.
2. Objectives: should be clear (use Specific, Measurable, Achievable, Relevant, and Time-Bound [SMART]) objectives that are directly related to achieving the goals.
 - a. Describe the program objectives that are unique to your IHE.
 - b. Describe outcome objectives (benefits to the IHE community and HEOP students).

G. Methods (“**How**” Section): (2 pages max) 5 points

How does the institution plan to achieve the stated goals and objectives?

H. Recruitment and Admissions: (4 pages max) 8 points

1. Population

- a. State how many students the institution is looking to support each year of the HEOP cycle.
- b. Describe the specific characteristics (economic, educational – i.e., high-needs high schools, geographic location) of the pool of potential HEOP eligible students from which the IHE intends to draw applicants.
- c. Describe the program and services available on campus for serving underrepresented populations such as low income, first-generation students and in need of academic support.

2. Recruitment and Admissions strategies

- a. Discuss the strategy the IHE uses to recruit HEOP students.
- b. Discuss the recruitment and admissions processes for HEOP students.
- c. Explain how the IHE will narrow down the initial pool to accept, admit and enroll students into HEOP.
- d. Provide a HEOP admissions timetable for 2024-2029 that includes:
 - i. Recruitment
 - ii. Selection
 - iii. Acceptance letter
 - iv. Cut-off dates

3. Selection Criteria

- a. Provide a chart that shows the admissions criteria for regular admit students and for HEOP students. If applicable, include:
 - i. Test scores (e.g., SAT, ACT, Regents Exams)
 - ii. High School average/GPA
 - iii. Class Rank
 - iv. Diploma type (e.g., Regents diploma, GED/TASC)
 - v. Pre-testing
 - vi. Attendance in a high schools designated as a Comprehensive Support Improvement (CSI) or Targeted Support Improvement (TSI) school or Additional Targeted Support and Improvement Schools (ATSI)
 - vii. Any other quantifiable criteria used
- b. Provide a description of the qualitative criteria (e.g., letters of recommendation, personal interviews, et cetera) used for both groups of students.

I. HEOP Summer Program: (4 pages max) 10 points

Discuss all summer activities designed to prepare HEOP students for the rigor of the academic year and prepare them to integrate into the college community. This includes:

1. The number of potential first-time HEOP students participating in the HEOP Summer Program.
2. Description of the counseling and advisement services to be offered to first-time HEOP students. Include:
 - a. List of staff, by title, which will provide counseling services, including:

- d. Faculty recruitment, selection, training and orientation.
 - e. The system that is used for the coordination and supervision of faculty.
7. Other services provided for first-time HEOP students, including:
- a. HEOP Summer Program and Orientation.
 - b. Non-classroom activities (academic, career, social, cultural and recreational).
 - c. Room, travel and meal arrangements, as applicable.
 - d. Post-summer evaluation of individual student progress and advisement for the academic year.
 - e. Tentative weekly Summer Program schedule of courses and activities.

J. Academic Year Academic Support Services: (4 pages max) 15 points

Describe the academic year services that have been developed to support all levels of HEOP students in attaining academic success and graduation.

1. Description of academic year counseling and advisement services for enrolled HEOP students. Include a listing of staff, by title, providing academic year counseling services, including:
 - a. Counselor to student ratio (the assigned counseling caseload for each staff position involved in counseling).
 - b. description, with rationale, of the use of any peer counselors, including discussion of their specific qualifications, responsibilities, training and supervision.
 - c. professional counseling staff orientation and in-service training.
2. Types of counseling provided (e.g., personal, academic, financial, career, psychological), including:

- a. Minimum number of counseling contacts required for each student, by term and year of study.
 - b. Additional counseling contact requirements for special categories of students (e.g., first-time HEOP, HEOP transfers, HEOP students under probation).
 - c. Coordination with campus counseling services (e.g., academic advisement, career planning and placement, counseling center).
 - d. Referral system for on and off-campus counseling services.
3. Description of tutoring services, including:
- a. Types of tutoring services provided to meet these needs (e.g., individual, small group, peer, professional, structured review classes, and the use of computerized services).
 - b. Tutor recruitment and selection process including qualifications.
 - c. Tutor orientation and training.
4. Coordination and monitoring of tutoring services, including:
- a. The evaluation process used to determine tutoring effectiveness.
 - b. Description of other tutoring services available on campus and the coordinating mechanisms in place.
5. Description of academic year remedial and/or developmental courses to be offered if any, including:
- a. Titles for all remedial and/or developmental courses to be offered.
 - b. Student diagnostic testing, placement, and scheduling for such courses.
 - c. Grading policies for these courses
6. Procedures used to appoint and evaluate instructors, including:

- a. faculty recruitment and selection process.
 - b. faculty training and orientation programs.
 - c. planned system for coordination and supervision of faculty.
 - d. Communication vehicles established between HEOP staff and course instructors working with the same students.
7. Other academic support activities available on campus and how they are used by HEOP students, including coordination between HEOP and the campus learning skills center, if one exists.

K. Student Financial Aid: (3 pages max) 20 points

Describe the processes used to budget, package, award, and disburse financial assistance to program students (keeping in mind that HEOP requires full need packaging). Include:

1. HEOP director's involvement in the development of financial aid policy and packaging procedures.
2. The federally-recognized needs analysis system used (i.e., FASFA or its successor and/or other federally-recognized Institutional methodology).
3. Institution's general policies regarding student financial aid and any special policies for HEOP students.
4. Self-help policy for HEOP Students (loans, work, and student and expected family contribution).
5. Institution policy for the allocation of discretionary funds (e.g., Federal SEOG, FWS and loans) and aid from other sources.
6. Institution policy regarding the effects of outside grants and scholarships on the financial aid package of program students.
7. Timetable with dates for issuing award letters to first-time and continuing HEOP students.

8. Disbursement procedures and timetable.

L. Probation and Termination Policies and Procedures: (2 pages max) 2 points

Describe probation and termination policies in place for both general admit students and HEOP students and their relationships to the SED-approved standard of academic progress chart for the IHE, including but not limited to:

1. HEOP staff's role in probation/dismissal decisions for HEOP students.
2. Dismissal policies with HEOP student appeal provisions.
3. Exit counseling provided to HEOP students.

J. Extra credit section: up to 5 points

Describe how the program will provide financial aid packages that keep the annual loans less than the maximum allowed.

II. Form FS-10 Budget and Budget Narrative (20 points)

Provide an itemized budget on the FS-10 budget form, a HEOP composite budget and a budget narrative of a maximum of three pages describing how the requested funds will be used for the **first year** of the project.

Because of limited state allocated HEOP funds, institutions are urged to use all available outside resources and all possible institutional resources to maintain the effort in support of HEOP for *each of the upcoming years of the RFP*.

Maintenance of effort means that institutions should provide at least the same level of program support and student financial aid per student as in the previous year of funding.

Budgeted items must be reasonable in cost and necessary for the project to receive the maximum points. SED staff will eliminate any unallowable or unreasonable items in the budget. Grantees will not be allowed to substitute new items for those that have been eliminated.

Budgeted costs must follow applicable state and federal laws and regulations, the HEOP fiscal guidelines and the Department's Fiscal Guidelines.

These guidelines, as well as the FS-10 form and Composite Budget, are available online as follows:

- Budget (FS10 form) in Excel format: [FS10 Form](#)
- Composite budget in Excel format: [Composite Budget Form](#)

Please do not overwrite any cells containing calculations.

- HEOP fiscal guidelines: [HEOP Guidelines](#)

The FS-10 must bear the original signature of the College/University President/Chancellor (Chief Executive Officer).

Information about the categories of expenditures, as well as general information about allowable costs, applicable cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).

All applicants must submit:

1. A complete FS-10 budget form (not counted in the page total) for the first year of the program, which clearly identifies costs associated with the major program activities described in the narrative.
2. A complete HEOP composite budget form to identify the amount of requested HEOP funds, institutional funds, and other funds being used in each of the allowable cost categories.
 - a. The institutional match portion of the worksheet provides the applicant with the ability to record the categories of expenditures used in the calculation of the required institutional match.
 - b. In requesting HEOP funds, both the current and the start-up program applicants must base the FTE number in their budget requests on the number of students enrolled in the first year of the funding cycle. Start-up programs must include in the

composite budget form the projected FTEs for years 2-5, as these FTEs will be used to calculate budget awards for years 2-5. The number of FTEs expected each year for current programs should remain the same. For start-up programs, FTEs may steadily increase, as additional students enroll each year, until FTEs level off in the fourth year of funding.

3. A complete Budget Narrative that provides an explanation of the items, expenses, and calculation of cost for each item included in the FS-10:
 - a. Describe the staffing and organizational plan that has been developed to support the HEOP.
 - i. Description and justification of the staffing for the overall management of the HEOP.
 - ii. Description and justification of the staffing for the counseling provided (e.g., personal, academic, financial, career, psychological).
 - iii. Description and justification of the staffing for the tutoring services.
 - iv. Description and justification of the staffing for remedial support offered to HEOP students.
 - v. Description and justification of the staffing for other services provided for HEOP students.
 - b. Describe the specific items included as academic support expenses, including the justification of need and cost.
 - c. Describe the specific items included as Supplemental Financial Assistance, including the justification of the allowability under sec. 152-1.5 of the Commissioner's regulations, the student need, and cost calculation.

- d. Describe the specific items included in Tuition Assistance, including the justification of how these costs are allowable under Education Law sec. 6451, the student need, and cost calculation.
 - i. This includes a justification for all charges related to tuition assistance for student attendance during the regular academic semesters.
 - ii. This includes those charges included under Tuition Assistance for all courses deemed remedial, with a justification for the course and description of the remedial course(s).

- e. Describe the specific items included as Institutional Match, including the justification and cost calculation, and how HEOP funds do not supplant other institutional efforts.

Appendix 1: Staffing Guidelines Recommendations

Administrative Staff During the Summer (based on the headcount of first-time and continuing HEOP students)

Number of Students	Staff
Up to 50	HEOP director
50+	HEOP director and half-time assistant director

Administrative Staff During the Academic Year (based on the headcount of HEOP students)

Number of Students	Staff
Up to 50	HEOP director
50 - 100	HEOP director and assistant director
100+	HEOP director, one assistant HEOP director and one administrative assistant (Note: HEOP funds cannot be used for administrative assistants)

Counseling Staff During the Summer (based on the headcount of HEOP students)

Number of Students	Staff
For every first-time HEOP Student	One HEOP counselor. If there are student peer counselors employed in the summer, the ratio is one HEOP counselor for every 30 first-time HEOP students. The recommended student to peer counselor ratio is 10:1.
Continuing Students	Access to HEOP counselors

Counseling Staff During the Academic Year (based on the headcount of HEOP students)

Number of Students	Staff
Up to 50	one HEOP counselor
50 - 100	two HEOP counselors
100+	one or two HEOP counselor for every 100 students

Full-time Equivalency for Staff is defined as the percent effort for each activity and/or service provided by the worker on HEOP allowable costs duties. An FTE of 1.0 means that the person is equivalent to a full-time worker and spends 100% of their time on the project; an FTE of 0.4 signifies that the worker spends 40% of their time serving the project.

**Arthur O. Eve Higher Education Opportunity Program
VERIFICATION OF EDUCATIONAL ELIGIBILITY**

APPLICANT'S NAME: _____ **ID#** _____

ADDRESS: _____
City State ZIP

HIGH SCHOOL: _____ **H.S. GPA/ H.S. Average:** _____

High Needs High School? Yes No

SAT: Verbal _____ Math _____ Writing _____ **PSAT:** _____

ACT: English _____ Math _____ Reading _____ Science _____ Comp _____

ENTRY DATE: _____ **INTENDED MAJOR:** _____

To be eligible for HEOP, an applicant must be inadmissible to the college/university's general admissions standards according to Education Law §6451 and 8 NYCRR Subparts 27-1 & 152-1. The above-named is eligible for consideration for the Higher Education Opportunity Program for the following reasons:

Check all that apply:

- Applicant's high school average is lower than the admissions requirements of this college/university.
- Applicant's SAT/ACT or other standardized test scores are lower than the admissions requirements for this college/university.
- Applicant's TOEFL test scores are lower than the admissions requirements for this college/university.
- Applicant's Regents exam scores were below admissions requirements for this college/university.
- Applicant has obtained a New York State High School Equivalency Diploma conferred under the procedure outlined in Commissioner's Regulation section 100.7
- Non-competitive application. Provide an explanation:

- Applicant shows academic deficiency in the following academic subject areas:

- Applicant was/is enrolled in an approved NYS-sponsored Opportunity Program (SEEK/CD, EOP, HEOP) and has obtained and completed a signed HEOP Transfer Student Certification Form (on file).

HEOP Director

Date

Admissions Director

Date

Arthur O. Eve Higher Education Opportunity Program

SAMPLE CHECKLIST FOR STUDENT'S FINANCIAL AID FILE

STUDENT'S NAME: _____

I. HEOP ELIGIBILITY INFORMATION

- a. FAFSA
- b. Verification of Economic Eligibility Form
- c. Verification of Educational Eligibility Form
- d. Parent's income document - Signatures
- e. Student's income document - Signatures
- f. 1722 Form or 4506 Form
- g. Notarized Statement Regarding Child Support
- h. Documents regarding Social Security Benefits
- i. Documents regarding Workman's Compensation
- j. Sample HEOP Educational and Transfer Eligibility Form(s) including IHE's general transfer application with an option for transfer applicants to identify themselves as opportunity transfer students (HEOP/EOP/SEEK/CD).

II. DOCUMENTS NEEDED FOR PACKAGING

- a. Award Letter(s)
- b. Student Aid Report
- c. Parent's Non-Tax Filing Stmt.
- d. Student's Non-Tax Filing Stmt.
- e. TAP ETA and/or Award Slip
- f. Financial Aid Transcripts

Comments:

Appendix 3: Transfer Certification Form

Higher Education Opportunity Program

TRANSFER STUDENT CERTIFICATION FORM

Instructions:

This certification of Transfer Student Eligibility is to be completed by the HEOP/EOP/SEEK/CD Director at the student's current institution; a copy of this form shall be retained on file by both institutions.

HEOP student loans are currently limited to \$24,000 for commuter students and to \$30,000 for resident students (\$36,000 for resident HEOP students in NYC). HEOP students must be informed that there may be no loan limit for students who transfer from HEOP to other NYS-sponsored opportunity programs such as SEEK/CD and EOP.

Student Information		
<i>Last Name</i>	<i>First Name</i>	<i>Middle Name</i>
<i>SSN#</i>	<i>Last Date of Attendance</i>	

Student is applying for:

Fall Semester Spring Semester Academic Year: _____

Eligible for the Foster Youth Care Initiative? Yes No

Indicate the specific terms of participation, omitting enrollment in any pre-freshman activities. Please indicate **FT** for full-time or **PT** for part-time. If the student enrolled in less than twelve credit hours, indicate the number of credit hours.

Term	FT/PT	Term	FT/PT	Term	FT/PT	Term	FT/PT
Summer		Fall		Winter		Spring	
Summer		Fall		Winter		Spring	
Summer		Fall		Winter		Spring	
Summer		Fall		Winter		Spring	
Summer		Fall		Winter		Spring	

We hereby certify that _____
(Student's Name)

has been enrolled in _____
(Current Institution)

from _____ to _____ and has met the academic and economic eligibility requirements for the
(Start Date) (End Date) respective opportunity program upon admission.

This student has used a total of _____ semesters of HEOP/EOP/SEEK/CD eligibility at the current institution.
(Number of Semesters Used)

According to our records, the student has also used a total of _____ semesters
(Number of Semesters Used)

of eligibility at the following colleges/universities:

Institution Name	Start Date	End Date

Supporting documentation is on file at this institution for this student and we understand that the documentation is subject to an audit by New York State.

Program Director Name (printed): _____

Institution: _____

Signature: _____ Date: _____

Phone: _____ Fax: _____ Email: _____

Please send this form to:

Name: _____

Campus Address: _____

Phone: _____ Fax: _____

PROPOSAL EVALUATION RUBRIC

Score Sheet

New York State Education Department
Higher Education Opportunity Program 2024-2029 RFP
SED Use Only

Raters are asked to evaluate each element of the proposal narrative as listed in the application. The Program Narrative and attachments will first be reviewed to confirm that eligibility requirements have been met. Two raters will independently read and evaluate each proposal. If there is a difference of 15 points or more between the two reviewers' scores, a third reviewer will review the application. The two scores closest in numeric value will be averaged to calculate the final average score of the application. If the third reviewer's score is equal to the average of the two original scores, the third reviewer's score will become the final score.

Application may receive up to 80 (+5 for extra credit) points for Part I. Applications must receive a final average score of 60 or above (before extra credit points) to be eligible to receive an award. **Reviewers must list strengths and weaknesses under the 'Explanation of Score' for each one of the sections.**

Rater:	Applicant:
Conflict of Interests:(Yes/No):	Postsecondary Education Region:
Submitted Acknowledgement Form (Yes/No):	Required Component Review Score and Extra Credit Component Score (Part I):
	Budget and Budget Narrative Score (Part II):
	Final TOTAL Score:

Rating Guidelines:

Quality Indicator	Description
Very Good	The response is specific and comprehensive. There is complete, detailed, and clearly articulated information as to how the criteria are met. The ideas presented are innovative, well-conceived and thoroughly developed.
Good	The response is reasonably comprehensive and includes adequate detail. It contains many of the characteristics of a response that is very good even though it may require additional specificity, support or elaboration in places.
Fair	The response is non-specific, and lacks focus and detail. The response addresses some of the selection criteria, but not all. Some ideas presented are sound, but others are not responsive to the purpose of the RFP. Additional information is needed to be reasonably comprehensive and meet the criteria of a response that is good.
Poor	The response does not meet many criteria; provides inaccurate information or provides information that requires substantial clarification as to how the criteria are met; lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.
No Evidence	The response does not address the criteria or simply re-states the criteria.

Part I

EXECUTIVE SUMMARY (GENERAL REQUIREMENTS) (Up to 2 points)				
0	0.5	1	1.5	2
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>The executive summary should describe:</i>				
The purpose, scope, and intended outcomes of the program.				

ORGANIZATIONAL BACKGROUND (“WHO?” SECTION) (Up to 8 points)

0	1 - 2	3-5	6-7	8
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
			Score:	Explanation of Score:

This section should include:

1. An overview and brief description of the IHE.
2. An explanation on how the college/university is qualified to be a HEOP institution; this includes a brief history, accomplishments, qualifications, and experience in education opportunity programs and/or serving the needs of disadvantaged populations.
3. A description of compliance with reporting requirements and student outcomes in the last HEOP cycle or for similar opportunity programs (e.g., C/STEP, TRIO, or similar campus-based programs supported by the IHE)
4. IHE Interrelationships:
A description of the external reporting structure of the HEOP office as follows:
 - a. A copy of the organizational chart of the institution and of the area of responsibility of the official to whom the HEOP Director reports.
 - b. A list of campus-wide committees on which HEOP staff members serve.
 - c. The following should be attached:
 - i. A section on Key Personnel and/or HEOP Management.
 - ii. Job/Title Descriptions (this does not include resumes).
5. Internal Program Relationships:
A description of the internal structure of the HEOP office. This section should include:
 - a. The HEOP staff positions that have coordinating responsibilities for the major components of the program (e.g., summer program, admissions, financial aid, counseling, tutoring, evaluation, budgeting, reporting).
 - b. A HEOP organization chart for all program-related personnel.

NEED (“WHY?” SECTION) (Up to 4 points)				
0	1	2	3	4
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
<ol style="list-style-type: none"> 1. Why does the college/university seek to operate HEOP? 2. A description of the target population including the local and other communities the institution is seeking to serve and include information such as demographics, poverty, educational opportunities, and high-needs high schools in the areas served. Recruitment from the local community is preferred. 				

GOALS/OBJECTIVES (“WHAT?” SECTION) (Up to 6 points)				
0	1 - 2	3	4 - 5	6
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
<p>1. Goals:</p> <ul style="list-style-type: none"> a. To enroll the most educationally and economically disadvantaged HEOP eligible students in competitive programs of study (e.g., nursing, engineering). b. To provide the necessary training and supportive services that assist HEOP students in succeeding academically. c. To engage and retain HEOP students to graduation and assist them in pursuing postgraduate academic and/or employment opportunities. <p>2. Objectives should be clear and IHEs should use Specific, Measurable, Achievable, Relevant, and Time-Bound [SMART] objectives that are directly related to achieving the goals.</p> <ul style="list-style-type: none"> a. A description of the program’s objectives that are unique to the IHE. b. Description of the program’s outcomes (e.g., enrolment, retention and graduation) 				

METHODS (“HOW?” SECTION) (Up to 5 points)

0	1	2-3	4	5
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
The college/university outlines a detailed plan explaining how it will achieve the stated goals and objectives				

RECRUITMENT AND ADMISSIONS (Up to 8 points)

0	1 - 2	3-5	6-7	8
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:		Explanation of Score:
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This section should include:

1. Description of the population served including:
 - a. How many students will the IHE support each year of HEOP cycle.
 - b. The specific characteristics (economic, educational – i.e., high-needs high schools, geographic location) of the pool of potential HEOP eligible students from which the IHE intends to draw applicants.
 - c. The applicant should describe the program and services available on campus for serving underrepresented populations such as low income, first-generation students and in need of academic support.

2. A description of recruitment and admissions strategies including:
 - a. The strategy the IHE uses to recruit HEOP students.
 - b. The recruitment and admissions processes for HEOP students.
 - c. How does the IHE narrow down the initial pool to accept, admit and enroll students into HEOP?
 - d. A HEOP admissions timetable for 2024-2029 that includes:
 - i. Recruitment
 - ii. Selection
 - iii. Acceptance letter
 - iv. Cut-off dates

3. Selection Criteria:
 - a. A chart that shows the admissions criteria for regular-admit and HEOP students is provided. If applicable, include:
 - i. Test scores (e.g., SAT, ACT, Regents Exams)
 - ii. High School average/GPA
 - iii. Class Rank
 - iv. Diploma type (e.g., Regents diploma, GED/TASC)
 - v. Pre-testing

vi. Attendance in high schools designated as a Comprehensive Support Improvement (CSI) or Targeted Support Improvement (TSI) school or Additional Targeted Support and Improvement Schools (ATSI) as found at: <https://data.nysed.gov/files/essa/21-22/2022-23NYSAccountabilityStatuses.xlsx> and/or High Needs Resource Schools as found at <https://www.p12.nysed.gov/irs/accountability/2011-12/NeedResourceCapacityIndex.pdf>

An application can get a “Very Good” on the rubric only if they target students in this category.

vii. Any other quantifiable criteria used for admission.

b. A description of the qualitative criteria (e.g., letters of recommendation, personal interviews, et cetera) used for both groups of students is provided as well as the Student Transfer Form.

HEOP SUMMER PROGRAM (Up to 10 points)

1 – 3	4 – 6	7 – 9	10
<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:		Explanation of Score:
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This section should include:

A description of all summer activities designed to prepare HEOP students for the rigor of the academic year and prepare them to integrate into the college community:

1. The number of potential first-time HEOP students participating in the HEOP Summer Program
2. A description of the counseling and advisement services available to first-time HEOP students that include:
 - a. List of staff, by title, which will provide counseling services, including:
 - i. Counselor to student ratio (the assigned counseling caseload for each staff position involved in counseling).
 - ii. Description of the use of summer peer counselors, including:
 - A discussion of their specific qualifications and responsibilities
 - A description of the training and supervision to be provided
 - b. Counseling staff orientation and in-service training
3. A description of the types of counseling provided (e.g., personal, academic, financial, career, psychological), including:
 - a. Frequency of counseling contacts with individual first-time HEOP students.
 - b. Coordination with campus counseling services (e.g., academic advisement, career planning and placement, counseling center).
4. A description of the referral system for off-campus counseling services.
5. A description of the tutoring services to first-time HEOP student that include:
 - a. The types of tutoring services provided (e.g., individual, group, peer, professional, structured review classes, computers assisted instruction)
 - b. Coordination and monitoring of tutoring services, including the evaluation process used to determine tutoring effectiveness and coordination with other tutoring services available on campus (e.g., Learning Center).

6. A description of the remedial/developmental coursework to be offered to first-time HEOP students, including:
 - a. Titles of all remedial/developmental courses to be offered
 - b. Student diagnostic testing, placement and scheduling for these courses
 - c. Grading policies for these courses
 - d. Faculty recruitment, selection, training and orientation
 - e. The system that is used for the coordination and supervision of faculty.
7. A description of other services provided for first-time HEOP students, including:
 - a. HEOP Summer Program and Orientation
 - b. Non-classroom activities (academic, career, social, cultural and recreational)
 - c. Room, travel and meal arrangements, as applicable
 - d. Post-summer evaluation of individual student progress and advisement for the academic year
 - e. Tentative weekly Summer Program schedule of courses and activities

ACADEMIC YEAR ACADEMIC SUPPORT SERVICES (Up to 15 points)

0	1 – 4	5 – 10	11 – 14	15
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:		Explanation of Score:
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This section should include:

1. A description of academic year counseling and advisement services for enrolled HEOP students. A listing of staff, by title, providing academic year counseling services should be presented:
 - a. Counselor to student ratio (the assigned counseling caseload for each staff position involved in counseling)
 - b. Description, with rationale, of the use of any peer counselors, including discussion of their specific qualifications, responsibilities, training and supervision
 - c. Professional counseling staff orientation and in-service training

2. Types of counseling provided (e.g., personal, academic, financial, career, psychological), including:
 - a. Minimum number of counseling contacts required for each student, by term and year of study
 - b. Additional counseling contact requirements for special categories of students (e.g., first-time HEOP, HEOP transfers, HEOP students under probation).
 - c. Coordination with campus counseling services (e.g., academic advisement, career planning and placement, counseling center).
 - d. Referral system for on and off-campus counseling services.

3. Description of tutoring services, including:
 - a. Types of tutoring services provided to meet these needs (e.g., individual, small group, peer, professional, structured review classes, and the use of computerized services).
 - b. Tutor recruitment and selection process including qualifications.
 - c. Tutor orientation and training.

4. Coordination and monitoring of tutoring services, including:
 - a. The evaluation process that is used to determine tutoring effectiveness.
 - b. Description of other tutoring services available on campus and the coordinating mechanisms in place.
5. Procedures used to appoint and evaluate instructors, including:
 - a. Faculty recruitment and selection process.
 - b. Faculty training and orientation programs.
 - c. Planned system for coordination and supervision of faculty.
 - d. Communication vehicles established between HEOP staff and course instructors working with the same students.
6. Other academic support activities available on campus and how they are used by HEOP students, including coordination between HEOP and the campus learning skills center, if one exists.
7. A description of the remedial/developmental coursework to be offered to first-time HEOP students, including:
 - a. Titles of all remedial/developmental courses to be offered
 - b. Student diagnostic testing, placement and scheduling for these courses
 - c. Grading policies for these courses

STUDENT FINANCIAL AID Part A (Up to 10 points)

0	1 – 3	4-6	7 -9	10
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:		Explanation of Score:
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This section should include:

A description of the processes used to budget, package, award, and disburse financial assistance to program students (keep in mind that HEOP requires full need packaging):

1. The HEOP director's involvement in the development of financial aid policy and packaging procedures
2. The timetable with dates for issuing award letters to first-time & continuing HEOP students
3. The disbursement procedures and timetable
4. A self-help policy for HEOP Students (loans, work, and student and expected family contribution)

STUDENT FINANCIAL AID Part B (Up to 10 points)

0	1 – 3	4-6	7-9	10
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:		Explanation of Score:
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This section should include:

A description of the institutional processes used to budget, package, award, and disburse financial assistance to program students (keep in mind that HEOP requires full need packaging):

1. The federally recognized needs analysis system used (i.e., FASFA or its successor and/or other federally-recognized Institutional methodology)
2. The institution’s general policies regarding student financial aid and any special policies for HEOP students
3. The institution’s policy for the allocation of discretionary funds (e.g., Federal SEOG, FWS and loans) and aid from other sources
4. An institutional policy regarding the effects of outside grants and scholarships on the financial aid package of program students

PROBATION AND TERMINATION POLICIES AND PROCEDURES (Up to 2 points)

0	0.5	1	1.5	2
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good

	Score:	Explanation of Score:
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This section should include:

A description of the probation and termination policies in place for both general admit students and HEOP students and their relationships to the SED-approved standard of academic progress chart for the IHE, including but not limited to:

1. The HEOP staff's role in probation/dismissal decisions for HEOP students.
2. Dismissal policies with HEOP student Exit counseling provided to HEOP students.
3. The exit counseling provided to HEOP students.

EXTRA CREDIT SECTION up to 5 points:

Maximum loan limits (Up to 5 points)				
0	1	2	3	5
<input type="checkbox"/> 100%	<input type="checkbox"/> 90%	<input type="checkbox"/> 80%	<input type="checkbox"/> 75%	<input type="checkbox"/> 50% or Less
			Score:	Explanation of Score:
<p>Proposal describes how the program will provide financial aid packages that keep the annual loans less than the maximum allowed. This description of how the IHE will award financial aid packages for HEOP students is needed even if the applicant meets the RFP loan requirements.</p> <ol style="list-style-type: none"> 1. \$6,000 for residential students and \$4,800 for commuter students – 0 points (100%) 2. \$5,400 for residential students and \$4,320 for commuter students – 1 point (90%) 3. \$4,800 for residential students and \$3,840 for commuter students – 2 points (80%) 4. \$4,500 for residential students and \$3,600 for commuter students – 3 points (75%) 5. \$3,000 for residential students and \$2,400 for commuter students – 5 points (50% or less) <p><u>For NYC region applicants:</u></p> <ol style="list-style-type: none"> 1. \$7,200 for residential students – 0 points (100%) 2. \$6,480 for residential students – 1 point (90%) 3. \$5,760 for residential students – 2 points (80%) 4. \$5,400 for residential students – 3 points (75%) 5. \$3,600 for residential students – 5 points (50% or less) 				

Total points Part I: ____ + (plus) extra credit points (if any) = Total Part I Score: _____

PLEASE STOP YOUR REVIEW

Is this a for-profit institution?

Yes or No

IF NO, PROCEED WITH SCORING.

IF YES, STOP SCORING.

Fiscal Viability Scores (Part 2) and total scores for all for-profit applicants will be determined by the SEDs Contract Administration Unit.

Part II

BUDGET AND BUDGET NARRATIVE SCORING (Up to 20 points) for not-for-profit IHEs

NOTE: Applicants who submit a budget and budget narrative that requests awards over \$6,565,000 total per application and/or \$9,550 per FTE (\$10,100 per FTE for NYC Region) will have the budget reduced and their score will be reflected accordingly.

<p>Are the requested awards amounts over the \$6,565,000 total per application (\$6,207,500 for IHEs that are not in NYC region) and/or the \$9,550 (\$10,100 for NYC Region) total per FTE? NOTE: If YES, note and score accordingly</p>	<p>Yes/No</p>	<p>Explanation of Score:</p> <p>Strengths:</p> <p>Weaknesses:</p>
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Overall, this section should include:

- A complete FS-10 form that shows in detail all expenses requested from the Higher Education Opportunity Program funds during the 2024-2029 grant cycle is provided.
- A budget that presents expenses that are allowable, realistic, accurate, cost-efficient, and clearly relate to and reflect project activities, objectives, and outcomes.
- Costs that are reasonable in relation to the objectives, design, and potential significance of the proposed project.
- The estimated number of HEOP students to be served in each IHE is stated, and the costs per FTE are reasonable and cost-efficient.
- A HEOP composite budget form that identifies the amount of requested HEOP funds, institutional funds, and other funds being used in each of the allowable cost categories.
- An institutional match that is equal to or greater than 25%.
- A complete Budget Narrative that justifies all proposed expenditures included in the FS-10 and in the composite budget and indicates the basis of calculation for each cost is provided. The information in a manner that will allow the reviewers to clearly understand the basis of calculation for each proposed expenditure. The budget narrative expenditure descriptions should also include a description of any institutional and other source contributions.
- A description of how the proposed expenditures are appropriate, reasonable and necessary to support the project activities and goals.
- A description of how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided.
- The required personnel, professional and technical services, and/or travel for the proposed project are clearly explained.

FS-10 Budget/ Composite Budget/ Budget Narrative (Up to 5 points)				
0	2	3	4	5
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
<p>The FS-10, Composite Budget, and Budget Narrative outline all expenditures for the program period and all calculations, descriptions, and amounts correspond. The amount requested is not over the maximum allowable amount.</p>				

FS-10 Budget/ Composite Budget/ Budget Narrative (Up to 5 points)				
0	2	3	4	5
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
<p>Expenditures are reasonable and necessary to support the plan presented in the application. Budget items are clear and obvious about how they directly relate to the goals and objectives of this program.</p>				

FS-10 Budget/ Composite Budget/ Budget Narrative (Up to 5 points)				
0	2	3	4	5
<input type="checkbox"/> No Evidence	<input type="checkbox"/> Poor	<input type="checkbox"/> Fair	<input type="checkbox"/> Good	<input type="checkbox"/> Very Good
		Score:		Explanation of Score:
<i>This section should include:</i>				
<p>Budget items are supplemental to and do not supplant or duplicate expenses and activities supported by other funding sources.</p>				

Institutional Match (Up to 5 points)				
0	2	3	4	5
<input type="checkbox"/> <25%	<input type="checkbox"/> 25-50%	<input type="checkbox"/> 50.1-75%	<input type="checkbox"/> 75.1 -100%	<input type="checkbox"/> 100%+
		Score:		Explanation of Score:
<p><i>This section must show an institutional match that is equal to or greater than 25%.</i></p>				

Total Part II points: ___ + Part I points _____ = Total Score: _____	
Number of Students Served (from application cover page) per year: _____	
Total Budget Requested (from application cover page): _____	

Fiscal Viability (Up to 20 Points)

APPLIES TO FOR-PROFIT INSTITUTIONS ONLY

Best Value Determination (as calculated using the information submitted via FS10 and Composite Budget)

Requesting the lowest HEOP Tuition Assistance reimbursement per Academic Year FTE (10 Points total)

Check one:

	\$2,000 and under	10 points
	\$2,001 – 2,300	8 points
	\$2,301 – 2,600	6 points
	\$2,601 – 3,000	4 points
	Above \$3,000	0 points

Requesting the lowest HEOP Academic Support Services reimbursement per Academic Year FTE (5 Points total) Check one:

	\$2,100 and under	5 points
	\$2,101 – 2,400	4 points
	\$2,401 – 2,700	3 points
	\$2,701 – 3,000	2 points
	Above \$3,000	0 points

Requesting the lowest HEOP Supplemental Financial Assistance reimbursement per Academic Year FTE (5 points total) Check one:

	\$2,100 and under	5 points
	\$2,101 – 2,400	4 points
	\$2,401 – 2,700	3 points
	\$2,701 – 3,000	2 points
	Above \$3,000	0 points

PART 3 FISCAL VIABILITY FOR-PROFIT INSTITUTIONS [20] Possible Points Score

Best Value Tuition Assistance 10

Best Value Academic Support Services 5

Best Value Supplemental Financial Assistance per Student 5

Total Part 3 Fiscal Viability FOR-PROFIT INSTITUTIONS 20 _____

Total Part 3 Fiscal Viability 20

ATTACHMENT R
NEW YORK STATE EDUCATION DEPARTMENT'S
DATA PRIVACY APPENDIX FOR GRANT CONTRACTS

ARTICLE I: DEFINITIONS

As used in this Data Privacy Appendix ("DPA"), the following terms shall have the following meanings:

1. **Access:** The ability to view or otherwise obtain, but not copy or save, data arising from the on-site use of an information system or from a personal meeting.
2. **Breach:** The unauthorized Access, acquisition, use, or Disclosure of Personal Information that is (a) accomplished in a manner not permitted by New York State and federal laws, rules, and regulations, or in a manner that compromises its security or privacy, (b) executed by or provided to a person not authorized to acquire, access, use, or receive it, or (c) a Breach of Contractor's or Subcontractor's security that leads to the accidental or unlawful destruction, loss, alteration, Access to or Disclosure of, Personal Information.
3. **Disclose or Disclosure:** The intentional or unintentional release, transfer, or communication of Personal Information by any means, including oral, written, or electronic.
4. **Personal Information:** Information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person.
5. **Services:** Services provided by Contractor pursuant to this Contract with the New York State Education Department ("NYSED") to which this DPA is attached and incorporated.
6. **Subcontractor:** Contractor's non-employee agents, consultants, volunteers, including student interns, who is engaged in the provision of Services pursuant to an agreement with or at the direction of the Contractor.

ARTICLE II: PRIVACY AND SECURITY OF PERSONAL INFORMATION

1. Compliance with Law.

When providing Services pursuant to this Contract, Contractor may receive and/or have Access to Personal Information regulated by one or more New York and/or federal laws and regulations, including, but not limited to, the Family Educational Rights and Privacy Act at 12 U.S.C. § 1232g (34 CFR Part 99); Children's Online Privacy Protection Act at 15 U.S.C. §§ 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment at 20 U.S.C. § 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act at 20 U.S.C. § 1400 et seq. (34 CFR Part 300); the New York Education Law at § 2-d (8 NYCRR Part 121); the New York General Business Law at article 39-F; and the New York Personal Privacy Protection Law at Public Officers Law article 6-A. Contractor agrees to maintain the confidentiality and security of Personal Information in accordance with applicable New York, federal and local laws, rules and regulations.

2. Data Privacy and Security.

- (a) Contractor agrees and understands that Contractor has no property, licensing, or ownership rights or claims to Personal Information Accessed by or Disclosed to Contractor for the purpose of providing Services, and Contractor shall not use Personal Information for any purpose other than to provide Services. Contractor will ensure that its Subcontractors agree and understand that neither the Subcontractor nor Contractor has any property, licensing or ownership rights or claims to Personal Information received or Accessed by or Disclosed to Subcontractor for the purpose of assisting Contractor in providing Services.
- (b) Contractor shall adopt and maintain reasonable safeguards to protect the security, confidentiality, and integrity of Personal Information in a manner that complies with General Business Law section 899-bb and other applicable New York State, federal and local laws, rules and regulations.
- (c) Upon NYSED's request, Contractor may be required to undergo an audit of its privacy and security safeguards, measures, and controls, or in lieu of performing an audit, provide NYSED with an industry standard independent audit report on Contractor's privacy and security practices that is no more than twelve months old.

3. Contractor's Employees and Subcontractors.

- (a) Access to or Disclosure of Personal Information shall only be provided to Contractor's employees and Subcontractors who need to know the Personal Information to provide the Services and such Access and/or Disclosure of Personal Information shall be limited to the extent necessary to provide such Services. Contractor shall ensure that all such employees and Subcontractors comply with the terms of this DPA.
- (b) Contractor must ensure that each Subcontractor performing Services where the Subcontractor will have Access to and/or receive Disclosed Personal Information is contractually bound by a written agreement that includes confidentiality and data security obligations equivalent to, consistent with, and no less protective than, those found in this DPA.
- (c) Contractor shall examine the data privacy and security measures of its Subcontractors. If at any point a Subcontractor fails to materially comply with the requirements of this DPA, Contractor shall (i) notify NYSED, (ii) as applicable, remove such Subcontractor's Access to Personal Information; and (iii) as applicable, retrieve all Personal Information received or stored by such Subcontractor and/or ensure that such Personal Information has been securely deleted or securely destroyed in accordance with this DPA. In the event there is an incident in which Personal Information held, possessed, or stored by the Subcontractor is compromised, unlawfully Accessed, or unlawfully Disclosed, Contractor shall follow the Data Breach reporting requirements set forth in Section 5 of this DPA.
- (d) Contractor shall take full responsibility for the acts and omissions of its employees and Subcontractors.

- (e) Other than Contractor's employees and Subcontractors who have a need to know the Personal Information, Contractor must not provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena, and Contractor notifies NYSED of the court order or subpoena no later than the time the Personal Information is Disclosed, unless such Disclosure to NYSED is expressly prohibited by the statute, court order or subpoena. Notification shall be made in accordance with the Notice provisions of this r Contract and shall also be provided to the Office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234.
- (f) Contractor shall ensure that its Subcontractors know that they cannot provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena. If a Subcontractor is required to provide Access to or Disclose Personal Information pursuant to a court order or subpoena, the Subcontractor shall, unless prohibited by statute, court order or subpoena, notify Contractor no later than two (2) days before any Personal Information is Disclosed. Upon receipt of notice from a Subcontractor, Contractor shall provide notice to NYSED no later than the time that the Subcontractor is scheduled to provide Access to or Disclose the Personal Information.
- (g) Contractor shall ensure that all its employees and Subcontractors who will receive Personal Information will be trained on the federal and state laws governing confidentiality of such data prior to receipt.

4. Data Return and Destruction of Data.

- (a) Contractor is prohibited from retaining Disclosed Personal Information or continuing to Access Personal Information, including any copy, summary or extract of Personal Information, on any storage medium (including, without limitation, hard copies, and storage in secure data centers and/or cloud-based facilities) beyond the term of the this Contract unless such retention is expressly authorized by the this Contract, necessary for purpose of facilitating the transfer of Personal Information to NYSED, or expressly required by law. As applicable, upon expiration or termination of this Contract, Contractor shall transfer Personal Information to NYSED in a format agreed to by the Parties.
- (b) When the purpose that necessitated Contractor's Access to and/or Disclosure of Personal Information has been completed or Contractor's authority to have Access to Personal Information and/or retain Disclosed Personal Information has expired, Contractor shall ensure that, as applicable, (1) all privileges providing Access to Personal Information are revoked, and (2) all Personal Information (including without limitation, all hard copies, archived copies, electronic versions, electronic imaging of hard copies) retained by Contractor and/or its Subcontractors, including all Personal Information maintained on behalf of Contractor or its Subcontractors in a secure data center and/or cloud-based facilities is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read, or

reconstructed. Hard copy media must be shredded or destroyed such that Personal Information cannot be read, or otherwise reconstructed, and electronic media must be securely cleared, purged, or destroyed such that the Personal Information cannot be retrieved, read, or reconstructed. When Personal Information is held in paper form, destruction of such Personal Information, and not redaction, will satisfy the requirements for data destruction. Redaction is specifically excluded as a means of data destruction.

- (c) Upon request by NYSED, Contractor may be required to provide NYSED with a written certification of (1) revocation of Access to Personal Information granted by Contractor and/or its Subcontractors, and (2) the secure deletion and/or secure destruction of Personal Information held by the Contractor or Subcontractors, at the address for notifications set forth in this Contract.
- (d) To the extent that Contractor and/or its Subcontractors continue to be in possession of any de-identified data (i.e., data that has had all direct and indirect identifiers removed), Contractor agrees that it will not attempt to re-identify de-identified data and/or transfer de-identified data to any person or entity, except as provided in subsection (a) of this section and that it will prohibit its Subcontractors from the same.

5. Breach.

- (a) Contractor shall promptly notify NYSED of any Breach of Personal Information, regardless of whether the Contractor or a Subcontractor suffered the Breach, without delay and in the most expedient way possible, but in no circumstance later than seven (7) calendar days after discovery of the Breach. Notifications shall be made in accordance with the notice provisions of this contract and shall also be provide to the office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234 and must include a description of the Breach that identifies the date of the incident, the date of discovery, the types of Personal Information affected and the number of records affected; a description of Contractor's investigation; and the name of a point of contact.
- (b) Contractor and its Subcontractors will cooperate with NYSED, and law enforcement where necessary, in any investigations into a Breach. Any costs incidental to the required cooperation or participation of the Contractor or its Subcontractors will be the sole responsibility of the Contractor if such Breach is attributable to Contractor or its Subcontractors.
- (c) Contractor shall promptly notify the affected individuals of any Breach, regardless of whether Contractor or a Subcontractor suffered the Breach. Such notice shall be made using one of the methods prescribed by § 899-aa (5) of the New York General Business Law. If Contractor requires information from NYSED to perform such notifications, Contractor shall reimburse NYSED for the cost of assembling and providing such information to Contractor.

6. Termination.

The confidentiality and data security obligations of Contractor under this DPA shall survive any termination of this Contract to which this DPA is attached and shall continue for as long as Contractor or its Subcontractors retain Access to Personal Information.