

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

Legislative Authority	<p>Section 6451 of the Education Law.</p> <p>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.</p>
Purpose of Grant	<p>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.</p>
Project Period	<p>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<sup>st</sup> to June 30<sup>th</sup> of each year.</p>

Non-  
Mandatory  
Notice of



## 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.

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: 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.



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-

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



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-

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 constraints will begin

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 \_\_\_\_\_ 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

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 . 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

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).

ing 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







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





- 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

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 pl

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. 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 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



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:

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 compliance with this mandate. Institutions found not complying with this mandate will be required to refund -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- 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).

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. Institutions must 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

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, 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



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- 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.



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.



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.



## 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. (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. An IHE not meeting the above requirements for the last year of the previous RFP







## 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

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.

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.

The Fiscal Contact person will make arrangements with program staff to provide a written summary of 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.





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](#) \_\_\_\_\_ at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.ny.gov](mailto: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

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

contracting with New York State and additional requirements which provide for the debarment of

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 pr -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  
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

ance

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

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  
and/or Disability Benefits Coverage.

For additi  
refer to the \_\_\_\_\_ . Alternatively, questions relating to

Compensation Board, Bureau of Compliance at (518) 486-6307.



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

- a. handwritten signatures on faxed or scanned documents
- b. e-

## 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		

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 certifies that the information provided is true and accurate to the best of their knowledge and belief.

## 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 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 -





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.



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:

i. Counselor to students

- 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.





- 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

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 C q0.00000912 0 612 792 rnBT/F3 12 Tf1 0 0 188 TmGev2 reW7( 0btoQw1tu-6()-2(a)-2(C q/-2(a)-2(

Budgeted costs must follow applicable state and federal laws and regulations, the HEOP 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-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)

Appendix 2: Sample HEOP Educational & Economic Eligibility Verification Forms required for all accepted HEOP students; these forms must be kept in students admission files and presented to NYSED upon request.

Arthur O. Eve Higher Education Opportunity Program  
VERIFICATION OF ECONOMIC ELIGIBILITY

APPLICANT'S NAME:





Arthur O. Eve Higher Education Opportunity Program

SAMPLE CHECKLIST FOR STUDENT'S FINANCIAL AID FILE

STUDENT'S NAME:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

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 Information

Student is applying for:

Fall Semester

Spring Semester

Academic Year: \_\_\_\_\_

Eligible for the Foster Youth Care Initiative?

Yes

**No**



## 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 scores closest in numeric value will be averaged to calculate the final average score of the application. If t

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 'Explanatio



ORGANIZATIONAL BACKGROUND ("WHO?" SECTION) (Up to 8 points)

0	1 - 2	3-5	6-7	8
No Evidence	Poor	Fair		

NEED (



GOALS/OBJECTIVES ("WHAT?" SECTION) (Up to 6 points)

0	1 - 2	3	4 - 5	6
No Evidence	Poor	Fair		

METHODS ("HOW?" SECTION) (Up to 5 points)				
0	1	2-3	4	5
No Evidence	Poor	Fair	Good	Very Good
		Score:		Explanation of Score:
<p>The college/university outlines a detailed plan explaining how it will achieve the stated goals and objectives</p>				

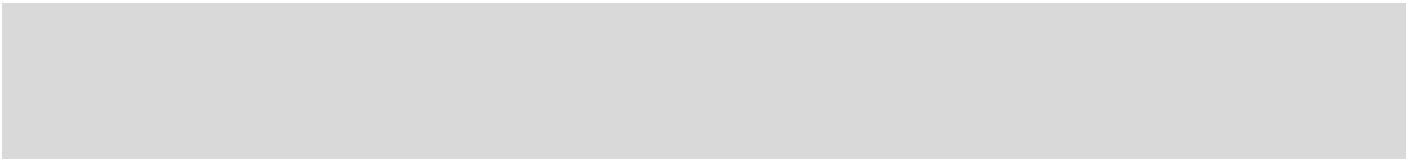
RECRUITMENT AND ADMISSIONS (Up to 8 points)

- 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/21-22/2022-23NYSAccountability 701.22 Tm0 g0 G\(lm\)9\(p\)4\(r\)-4\(o\)6\(v\)-5\(em\)5\(ent\)4\(\)-2\(Sc\)7\(h\)-16\(](https://data.nysed.gov/files/essa/21-22/2022-23NYSAccountability%20701.22%20TM0%20G%20%28%28Im%29%28p%29%284%28r%29%284%28o%29%286%28v%29%285%28em%29%285%28ent%29%284%28%29%282%28Sc%29%287%28h%29%2816%28)

HEOP SUMMER PROGRAM (Up to 10 points)			
1 – 3	4 – 6	7 – 9	10
Poor	Fair	Good	Very Good
		Score:	Explanation of Score:

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



ACADEMIC YEAR ACADEMIC SUPPORT SERVICES (Up to 15 points)

0	1 - 4	5 - 10	11 - 14	15
---	-------	--------	---------	----

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
No Evidence	Poor	Fair	Good	Very Good
		Score:		Explanation of Score:

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.

STUDENT FINANCIAL AID Part B (Up to 10 points)

0	1 - 3	4-6	7-9	10
No Evidence	Poor	Fair		

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

0

0.5

1

1.5

2

No Evidence



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.

BUDGET AND BUDGET NARRATIVE SCORING (Up to 20 points) for not-for-profit IHEs		
<p>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>		
<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>
<ul style="list-style-type: none"> <li>◁ 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.</li> <li>◁ A budget that presents expenses that are allowable, realistic, accurate, cost-efficient, and clearly relate to and reflect project activities, objectives, and outcomes.</li> <li>◁ Costs that are reasonable in relation to the objectives, design, and potential significance of the proposed project.</li> <li>◁ The estimated number of HEOP students to be served in each IHE is stated, and the costs per FTE are reasonable and cost-efficient.</li> <li>◁ 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.</li> <li>◁ An institutional match that is equal to or greater than 25%.</li> <li>◁ 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.</li> <li>◁ A description of how the proposed expenditures are appropriate, reasonable and necessary to support the project activities and goals.</li> <li>◁ A description of how the expenditures and activities are supplemental to and do not supplant or duplicate services currently provided.</li> <li>◁ The required personnel, professional and technical services, and/or travel for the proposed project are clearly explained.</li> </ul>		

FS-10 Budget/ Composite Budget/ Budget Narrative (Up to 5 points)

0	2	3	4	5
No Evidence	Poor	Fair	Good	Very Good







ATTACHMENT R

DATA PRIVACY APPENDIX FOR GRANT CONTRACTS

ARTICLE I: DEFINITIONS

1. Access: The ability to view or otherwise obtain, but not copy or save, data arising from the on-

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) Contractor shall, in addition to the privacy and security safeguards, measures, and controls, or in lieu of performing an audit, provide NYSED with an industry standard independent audit report on

3. Contractor's Employees and Subcontractors.

- (a) Access to or Disclosure of Personal Information shall only be provided to  
  
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,  
  
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) 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

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  
d 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

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.