



OFFICE OF HIGHER EDUCATION

Executive Director
Office of K-16 Initiatives and Access Programs
Education Building Addition, Room 967
Albany, NY 12234

Tel. (518) 474-3719
Fax (518) 474-4768
E-mail: kiap@mail.nysed.gov
<http://www.highered.nysed.gov/kiap/home.html>

To: HEOP Directors
From: Stanley S. Hansen, Jr.
Date: November 22, 2011
Subject: HEOP Administrative Memorandum 2011-1

This administrative memorandum addresses three important guideline items that are related to student economic and academic eligibility. The first and second items discussed below relate to the September 2011 Board of Regents approval of economic eligibility tables for opportunity programs. The third item discussed below clarifies the determination of “historically disadvantaged” for eligibility of students pursuing entry into opportunity programs.

Change in approach to Economic Tables

The economic eligibility for students pursuing entry into New York State opportunity programs at public and independent postsecondary institutions, after July 1, 2012, will be based on 185% of the annual poverty guidelines published by the U.S. Department of Health and Human Services. Typically these guidelines are available from the U.S. Department of Health and Human Services in January of each calendar year. The New York State Education Department will provide notification of these guidelines as early as possible in the new calendar year, but no later than March 1 of each year.

For students entering after July 1, 2012 for the 2012-2013 school year, the guidelines published in 2011 (shown below) can be used as a provisional economic eligibility reference. The official guidelines table published early in the 2012 calendar year is to be used for documenting economic eligibility.

**Calculation of 185% of 2011
Poverty Guidelines**

Household Size	Poverty Level	185% of Poverty Level
1	\$10,890	20,147
2	\$14,710	27,214
3	\$18,530	34,281
4	\$22,350	41,348
5	\$26,170	48,415
6	\$29,990	55,482
7	\$33,810	62,549
8	\$37,630	69,616
Additional	\$3,820	7,067

Elimination of “0” EFC 15% Variation Clause and Income Add-ons

As approved by the Board of Regents, the annually published U.S. Department of Health and Human Services guidelines provide a clear determination of student economic eligibility. Based on this approval there now exist a number of possible income options, requiring no need for a “0” Expected Family Contribution (“0” EFC) interpretation as a 15% Variation Clause. The Regents approval of the federal guidelines also eliminates the need for income add-ons.

Historically Disadvantaged

Because need exceeds capacity within the broad eligible population, eligibility, in itself does not provide entitlement to entry. Campuses sponsoring Higher Education Opportunity Programs (HEOP) are expected to give priority to the recruitment and enrollment of applicants whose life patterns are characterized by **historical economic deficiency and lack of academic opportunity and/or performance**. Indicators of such disadvantage may include evidence that the applicant and the applicant’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 inadequate schooling, and/or little or no accumulation of assets. Furthermore, the applicant and the applicant’s family are unable to provide for more than the basic needs of family members and may be dependent on public assistance. It should be noted that 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, in itself, sufficient to establish historical disadvantage. Such cases should be reviewed carefully in order to determine longer term past patterns of income.

An academically disadvantaged student is an individual from a low-income family with potential for a successful collegiate experience but is least likely to achieve academic success without the support and services of HEOP. Evidence of this may include grades that fall in the bottom half of the high school graduating class, low Regents examination scores, graduation from a high school which has a poor record for preparing students, or having been out of school for a number of years. A student eligible for HEOP will fall below the institution’s regular admissions standards whether those include SAT scores, high school average, class rank or other factors.

Please contact Doris Waiters at (518) 474-5313 or dwaiters@mail.nysed.gov for additional information or with any questions you may have regarding the above items.