



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF HIGHER EDUCATION

Office of Postsecondary Access, Support and Success
Room 960 Education Building Annex
Albany, New York 12234

Tel: (518) 474-3719
Fax: (518) 474-7468
Email: kiap@nysed.gov

Date: January 14, 2025

To: Cheryl Hamilton, Associate Vice Chancellor for Student Life, Opportunity Programs, and Student Advocate
Althea Forde, Ed.D., Interim University Dean of the Office for Special Programs
Higher Education Opportunity Program Directors

From: Christopher Fernando, Supervisor of Higher Education Programs *CF*

Re: Clarification of the Timeframe of Documentation of Means-Tested Benefits for Determining Eligibility in NYS Opportunity Programs (Education Law § 6451 and 6452)

This memorandum aims to clarify how means-tested benefits are to be considered in the economic eligibility screening process for **NYS Opportunity Program students** (Education Law § 6451 and 6452) in alignment with the Federal Student Aid (FSA) Handbook and the FAFSA Simplification Act. According to [Federal Student Aid](#), “a means-tested benefit is a public benefit where the granting agency considers your income and resources for purposes of determining your eligibility for the program” (refer to your OP Sector Guidelines/RFP regarding acceptable documentation, e.g., SSI and TANF).

According to the FSA Handbook, institutions may consider benefits received in either the base year (the prior-prior year) or the year immediately preceding the FAFSA application (the prior year) for this determination. Further, the 2024-25 FAFSA simplification guidance dictates that the Student Aid Index (SAI) now accounts for families receiving means-tested benefits at any time during the prior two years.

Therefore, eligible documentation of means-tested benefits received by the family within the past two-years can be used when evaluating economic eligibility for NYS Opportunity Programs (i.e., EOP, SEEK/CD, and HEOP).

Institutions are encouraged to implement this guidance to align with the FAFSA Simplification Act and its related reforms, and the definitions listed in Education Law § 6451 and 6452. These efforts underscore a commitment to serving students with a historical economic disadvantage in accessing educational opportunities.

Cc: Dr. William Murphy, Deputy Commissioner
Dr. Anael Alston, Assistant Commissioner
SED Program Office Associates