

FEDERAL STUDENT AID PENALTIES FOR DRUG CONVICTIONS

Student Convicted of the Possession or Sale of Drugs

(taken from the 2013-2014 Federal Student Aid Handbook, Volume 1: Student Eligibility)

A federal or state drug conviction can disqualify a student for Federal Student Aid (FSA) funds. Federal Aid includes Federal Pell and SEOG Grants, Federal Stafford Loan, Federal Work Study, Federal PLUS Loan, Graduate PLUS Loan, and Federal Perkins Loan.

Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid – they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when the student was a juvenile, unless the student was tried as an adult.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

Penalties for Drug Convictions

	Possession of illegal drugs	Sale of illegal drugs
1st Offense	1 year from date of convictions	2 years from date of conviction
2nd Offense	2 years from date of conviction	Indefinite period
3+ Offenses	Indefinite period	

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

Schools must provide each student who becomes ineligible for Title IV aid due to a drug conviction a clear and conspicuous written notice of the student's loss of eligibility and the methods whereby the student can become eligible again.

Regaining Eligibility

A student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program. Further drug convictions will make the student ineligible again.

Students denied eligibility for an indefinite period can regain it only after successfully completing a rehabilitation program as described below or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

When a student regains eligibility during the award year, the student may be awarded Pell grant, TEACH, and campus-based aid for the current payment period and Direct loans for the period of enrollment.

Standards for a Qualified Drug Rehabilitation Program

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or statelicensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

It is the student's responsibility to certify to the school that they have successfully completed the rehabilitation program.

For more information see FAFSA Facts provided by the Office of National Drug Control Policy U.S. Department of Education.

Hyperlink to <https://www.whitehouse.gov/ondcp/>