

FEDERAL STUDENT FINANCIAL AID PENALTIES FOR DRUG LAW VIOLATIONS

As noted in HEA Section 484(r), 34 CFR 668.40, a federal or state drug conviction can disqualify a student for Federal Student Aid funds. 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 he/she was a juvenile, unless he/she was tried as an adult.

Depending on whether the conviction was for sale or possession and whether the student had previous offenses, the bullets below indicate the period of ineligibility. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

Offense	Possession of Illegal Drugs	Sale of Illegal Drugs
1st Offense	1 year from date of conviction	2 years from date of conviction
2nd Offense	2 years from date of	Indefinite Period
3+Offenses	Indefinite Period	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. A student regains eligibility the day after the period of ineligibility ends or when he/she successfully completes a qualified drug rehabilitation program. Further drug convictions will make him/her 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. It is the student's responsibility to certify that he/she has successfully completed the rehabilitation program.

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:

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