

Notice of Federal Student Financial Aid (FSA) Penalties for Drug Law Violations

Federal law requires institutions to provide to every student upon enrollment a separate, clear, and conspicuous written notice that advises the student that a conviction for any offense, during a period of enrollment for which the student was receiving Title IV, HEA (Higher Education Act) program funds, under any federal or state law involving the possession or sale of illegal drugs will result in the loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance. It also requires an institution to provide a timely notice to each student who has lost eligibility for Title IV, HEA assistance as a result of the penalties under HEA § 484(r)(1). The notice must be a separate, clear, and conspicuous written notification of the loss of eligibility and must advise the student of the ways in which the student can regain eligibility under HEA § 484(r)(2).

Students are hereby notified that a federal or state drug conviction can disqualify a student for federal student aid ("FSA") funds.

Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) if they were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid—they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge. The Anti-Drug Abuse Act of 1988 also includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possessions. The Central Processing System maintains a hold file of individuals who have received such a judgment. All applicants are checked against this file to determine if they should be denied aid. This is separate from the check for a drug conviction via question 23. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she was a juvenile, unless she 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.)

	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 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.

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program or passes two unannounced drug tests given by such a program. Further drug convictions will make her ineligible again. Students denied eligibility for an indefinite period can regain it, after successfully completing a rehabilitation program (as described below), passing two unannounced drug tests from such a program, 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 to the financial aid department that she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, the financial aid department is not required to confirm the reported information unless the financial aid department has conflicting information.

When a student regains eligibility during the award year, the financial aid department may award 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 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 state-licensed 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.