

Drug Law Violations

Regulatory Citation: Higher Education Act, Section 484(r) 34 CFR 668.40

Student Financial Aid: General Provisions

The U. S. Department of Education requires an institution of higher education to provide all students with a separate and concise message regarding a federal or state drug conviction upon enrollment. A student with such a conviction can be disqualified for Federal Student Aid (FSA) funds if the occurrence happens while enrolled and receiving Title IV aid as prompted by question twenty-three on the *Free Application for Federal Student Aid* (FAFSA). The drug related offense does not count if charges were reversed, set aside, or dropped from the student's record.

The following chart illustrates the period of ineligibility for FSA funds depending on whether a conviction was for the sale (*conspiring to sell*) or possession of illegal 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+ Offense | Indefinite period | Indefinite period |

A student who is convicted of both possessing and selling illegal drugs will remain ineligible for FSA funds for the longer period. A student will regain the eligibility for Title IV assistance only when the respective period has lapsed or upon the successful completion of a drug rehabilitation program as defined below.

Students denied eligibility for an indefinite period can only have assistance reinstated by providing proof that he/she has successfully completed a rehabilitation program. If a conviction was removed, set aside, or dropped from the record the nature and dates of remaining offenses will determine when the student regains eligibility.

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 federal 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.