

Federal Student Financial Aid Penalties for Drug Law Violations

A federal or state drug ***conviction can disqualify students for FSA funds.**

Convictions only count if they were for an offense that occurred during a period of enrollment for which a 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.)*

	<u>Possession of illegal drugs</u>	<u>Sale of illegal drugs</u>
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	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 federal financial aid eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program or, effective beginning with the 2010–2011 award year, passes two unannounced drug tests given by such a program. Further drug convictions will make the student 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 school that the rehabilitation program was successfully completed.

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 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.

The period of ineligibility begins as of the date of the conviction. A conviction is defined as a conviction that is on a student's record at the time the student's eligibility is being determined. A conviction that was reversed, set aside, or removed from the student's record is not relevant.

An illegal drug is a controlled substance as defined by section 102(6) of the Controlled Substances Act [21 U.S.C. 801(6)] and does not include alcohol or tobacco. Students may obtain additional information on eligibility by contacting the U.S. Department of Education at 1-800-433-3243.