

## Notice of Federal Student Financial Aid Penalties for Drug Law Violations

Disclosure Requirement: Made available to students and families in print or other medium HEOA Sec. 488(g); amended HEA Sec. 485 (20 U.S.C. 1092); added HEA Sec. 485(k)

HEOA amendments effective August 14, 2008

FR notice (CFR 668.40)

### **A federal or state drug conviction can disqualify a student from federal financial aid funds.**

A conviction for any offense under any federal or state law involving the possession or sale of illegal drugs, during a period of enrollment when receiving federal aid, will result in the loss of eligibility for any Title IV, HEA grant, loan, or work study assistance. A conviction that was reversed, set aside, or removed does not count, nor does one received as a juvenile, unless tried as an adult.

The chart below illustrates the period of ineligibility for federal financial aid programs. Please note that eligibility is dependent upon the nature of the conviction and the number of prior offenses.

	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	Indefinite period

Pursuant to federal law, a conviction for the sale of drugs includes convictions for conspiring to sell drugs. Moreover, those students convicted of both selling and possessing illegal drugs will be subject to ineligibility for the longer period as prescribed under the circumstances.

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 for federal financial aid programs.

Students denied eligibility for an indefinite period can regain it only after successfully completing a rehabilitation program as described below. Furthermore, eligibility can be regained if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for the sale or three convictions for the possession of illegal drugs remain on the student's 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 Office the date of the conviction and if (s)he has completed a qualified drug rehabilitation program.**

For purposes of financial aid eligibility, 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.

For more information regarding illegal drug convictions and financial aid eligibility, please visit the Frequently Asked Question section of the Free Application for Federal Student Aid (FAFSA) website [www.fafsa.ed.gov](http://www.fafsa.ed.gov).