

## STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS

A federal or state drug conviction can disqualify a student for FSA 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 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.

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.

	Possessions of illegal drugs	Sale of illegal drugs
1 <sup>st</sup> offense	1 year from date of conviction	2 years from date of conviction
2 <sup>nd</sup> offense	2 years from date of conviction	Indefinite period
3 <sup>rd</sup> + offenses	Indefinite period	Indefinite period

If the student was convicted of both possessing and selling illegal drugs, and the period 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 (i.e., for a 1<sup>st</sup> or 2<sup>nd</sup> offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him or her ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following options:

- 1) Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;
- 2) Having the conviction 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; or
- 3) Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

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 institution that he or 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 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 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).