

FEDERAL STUDENT FINANCIAL AID PENALTIES FOR DRUG LAW VIOLATIONS

In compliance with institutional, local, state, and federal regulations 34CFR 668.40, related to preventing and disclosing drug abuse consequences, DCAD is committed to providing a drug-free environment.

By law, students with drug-related convictions may be ineligible for federal student aid. Students convicted of a drug-related offense may face financial aid restrictions. A federal or state conviction can disqualify a student for Federal student Aid altogether.

How can a drug conviction impact federal financial aid eligibility?

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.

For possession or sale of illegal drugs, students become ineligible for federal financial aid from the date of conviction (not arrest) as follows:

	Possession of illegal drugs	Sale of illegal drugs
1 st offense	1 year from date of conviction	2 years from date of conviction
2 nd offense	2 years from date of conviction	Indefinite period
3 rd offense	Indefinite period	Indefinite period

If the student is convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. DCAD Financial Aid Office must provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again. A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program and 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 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 office that he/she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, the FAO is not required to confirm the reported information unless the FAO has conflicting information.

When a student regains eligibility during the award year, the Financial Aid Office (FAO) may award Federal Pell Grant, Campus-based aid, and Direct Student loans for the period of enrollment.

What are 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.

If a student certifies that he/she has successfully completed a drug rehabilitation program, but the FAO has reason to believe that the program does not meet the requirements, the FAO will require the student provide confirmation that the program meets federal standards listed above before paying the student any FSA funds.

Do all drug convictions count?

Not necessarily; the student should not count any conviction that was reversed, set aside, or removed from the student's record. Do not count any conviction that occurred before the student turned 18, unless the student was prosecuted as an adult. Alcohol and tobacco are not considered illegal drugs under this law.

Should a student with drug convictions apply for student aid?

Yes, even if the student has drug convictions, the student should file a Free Application for federal Student Aid (FAFSA), since the student may be eligible; depending upon the date and number of convictions. Many states and schools use FAFSA information to determine scholarship and grant eligibility. When the student successfully completes an acceptable drug rehabilitation program that meets Congressional and Federal Department of Education Standards,

How should the student answer Drug Conviction Question on the FAFSA?

Do not leave this question blank. The student who answers "Yes" should call the Federal Student Aid Information Center at (800) 433-3243 or see the Student Aid Eligibility Worksheet for Drug Conviction Question in the Financial Aid Forms section of www.dcad.edu. Your personal information is confidential, and you will remain anonymous.