

Drug Conviction

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for Title IV funds.

Convictions only count against a student for aid eligibility purposes if the convictions were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid. The convictions 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. If the conviction was reversed, set aside, or removed from the student's record, it does not count. Convictions received when student was a juvenile do not count unless the student was tried as an adult.

The chart below shows the period of ineligibility for Title IV 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.

| | 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 | |

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.

The student regains eligibility the day after the period of ineligibility ends or when the student has successfully completed a qualified drug rehabilitation program that includes passing 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 eligibility after completing any of the following options:

- Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;

- 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
- 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 that he/she has successfully completed the rehabilitation program.

When a student regains eligibility during the award year, the student may receive the Pell Grant, SEOG, FWS funds for the current payment period and Direct Loans for the period of enrollment.

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.