

## Students Convicted Of Possession Or Sale Of Drugs

A federal or state drug conviction can disqualify a student for Federal Student Aid (FSA) funds. The student self-certifies in applying for aid that he is eligible; the Financial Aid Office is not required to confirm this unless there is conflicting information.

Convictions only count if they were for an offense that occurred during a period of enrollment for which the 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 she was a juvenile, unless 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.)

	<b>POSSESSION OF ILLEGAL DRUGS</b>	<b>SALE OF ILLEGAL DRUGS</b>
<b>1<sup>ST</sup> OFFENSE</b>	1 year from date of conviction	2 years from date of conviction
<b>2<sup>ND</sup> OFFENSE</b>	2 years from date of conviction	Indefinite Period
<b>3+ OFFENSE</b>	Indefinite Period	

The Higher Education Opportunity Act (HEOA) established the requirement for schools to provide each student who becomes ineligible for Title IV aid 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. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it only after successfully completing a rehabilitation program as described below 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 HACC's Office of Financial Aid Services that s/he 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 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.

If a student certifies that he has successfully completed a drug rehabilitation program, but there is reason to believe that the program does not meet the requirements, eligibility must be verified before paying the student any FSA funds.