

STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS

2020-2021 Award Year

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for Title IV funds. The student self-certifies in applying for aid that he is eligible; you're not required to confirm this unless you have conflicting information. The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. The Central Processing System (CPS) maintains a hold file of individuals who have received such a judgment. All applicants are checked against this file to determine if they should be denied aid. This is separate from the check for a drug conviction via question 23; records matching the drug abuse hold file receive a rejected application (reject 19 and comments 009 or 055 on the SAR and ISIR). See the ISIR Guide on the IFAP publications page for more information. 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. 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 Title IV funds **for the 2020-2021 award year**, 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 | 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. A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when the student successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make the individual 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 to the Financial Aid Office that 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; or
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

2021-2022 Award Year

In December, 2020, the FAFSA Simplification Act was enacted into law as part of the Consolidated Appropriations Act of 2021. The FAFSA Simplification Act amended Section 484 of the Higher Education Act of 1965 (HEA), making several important changes to student eligibility criteria. One of these is the elimination of the prohibition on receiving Title IV aid for students with drug-related convictions. **For the 2021-2022 award year**, the Selective Service and drug conviction questions (as well as the option to register with the Selective Service via the FAFSA) will remain on the FAFSA. However, failing to register with the Selective Service or having a drug conviction while receiving federal Title IV aid will no longer impact a student's Title IV aid eligibility, and a student who fails to register or has a drug conviction may be eligible to receive Title IV aid if they meet all other eligibility criteria.