

# Federal Student Financial Aid Penalties for Drug Law Violation

Notice to Students Concerning Penalties for Drug Violations:

Note: The U.S. Department of Education has rescinded the student eligibility requirement and students will no longer face penalties or suspense of Title IV aid due to a drug conviction that occurred while the student was enrolled and receiving Title IV Aid. While the information below must still be provided, the loss of federal student aid for drug convictions no longer applies.

Students are hereby notified that federal guidelines mandate that a federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for Federal Student Aid funds. 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 the student was a juvenile, unless the student 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.)

Possession of Illegal Drugs	Sale of Illegal Drugs
1st offense: 1 year from date of conviction	1st offense: 2 years from date of conviction
2nd offense: 2 years from date of conviction	2nd offense: Indefinite period
3rd offense: 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.)

Students denied eligibility for an indefinite period can regain it after successfully completing an approved rehabilitation program (as described in regulation 34 CFR 668.40), 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 complete two unannounced drug tests which are part of a rehab program. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

Students denied eligibility for an indefinite period can regain it after successfully completing an approved rehabilitation program (as described in the FSA Handbook), 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 complete two unannounced drug tests which are part of a rehab program. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

The Higher Education Opportunity Act requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a

result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA.

CVCC will provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA.

CVCC will also provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA ([20 U.S.C. 1091\(r\)\(2\)](#)).