EASTERN
OKLAHOMA STATE COLLEGE

# FEDERAL STUDENT FINANCAIL AID PENALTIES FOR DRUG LAW VIOLATIONS

A federal or state drug conviction can disqualify students for federal financial aid. Under the Higher Education Act, Title IV Section 485(k), students become ineligible for federal student aid programs upon a conviction under state or federal statutes for the sale (includes convictions for conspiring to sell drugs) or possession of drugs which occurred during a period of enrollment for which the student was receiving Title IV financial aid. Students who lose eligibility for federal financial aid for drug law violations will not be eligible for aid from the following: Federal Pell Grant, Supplemental Educational Opportunity Grants (SEOG), Iraq Afghanistan Service Grants, Academic Competitiveness Grants (ACG), Federal Work-Study, and Federal Direct Loans (Subsidized, Unsubsidized, and PLUS).

Loss of financial aid eligibility only counts for convictions that occurred during a period of enrollment for which the student was receiving federal financial aid. Students convicted for possession or sale of drugs during other periods of time do not result in loss of financial aid eligibility. 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 time the student will be ineligible to receive federal financial aid, depending on whether the conviction was for sale or possession and whether the student had previous offenses:

| | **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 federal financial aid eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program, or effectively 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 a 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 school that the rehabilitation program was successfully completed.

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