Drug Convictions & Financial Aid Eligibility

Under the Higher Education Act, students become ineligible for federal student aid upon conviction during any period of enrollment of any offense involving the possession or sale of illegal drugs. Federal aid includes Federal Stafford Loans, Federal PLUS Loans, Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal College Work Study, and Federal Nursing Student Loans.

Penalties for Drug Convictions

Possession of Illegal Drugs:

- First Offense: 1 year from the date of conviction
- Second Offense: 2 years from the date of conviction
- Third and Subsequent Offenses: Indefinite ineligibility from the date of conviction.

Sale of Illegal Drugs:

- First Offense: 2 years from the date of conviction
- Second and Subsequent Offenses: Indefinite ineligibility from the date of conviction.

How to Regain Eligibility

If a student successfully completes a drug rehabilitation program, he or she can regain eligibility for federal student aid funds as of the day the student successfully completes the program.

To be sufficient to reinstate financial aid eligibility, the 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 federal, state, or local government agency or court.
- Be administered or recognized by a federally- or state-licensed hospital, health clinic, or medical doctor.

Free Application for Federal Student Aid (FAFSA)

Question 23 on the FAFSA form asks if the student has ever been convicted of a drug related offense. Students are responsible for self-certification in applying for aid that he or she is eligible for it. Federal Student Aid regulations state that convictions only count 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. In addition, a conviction that was reversed, set aside, or removed from the students record does not count, nor does one received when he or she was a juvenile, unless he or she was tried as an adult.

If a student or parent purposely provides false or misleading information, he or she could be fined up to $20,000, sent to prison, or both.

Convictions During Enrollment

According to the United States Department of Education, if a student is convicted of a drug offense after receiving Federal aid, he or she must notify Financial Aid Services immediately and that student will be ineligible for further aid and required to pay back all aid received after the conviction.