

Federal Student Financial Aid Penalties for Drug Law Violations

Students might not be able to receive federal student aid if they have been convicted of selling or possessing illegal drugs, if the drug offense for which they were convicted occurred while they were receiving federal student aid (grants, loans, and/or work study). If a student has been convicted in the past, this does not automatically mean that he or she is ineligible for federal student aid. See the eligibility for student aid worksheet on the Federal Application for Student Aid (FAFSA) for details.

Please also refer to the Drug and Alcohol Policy for information about standards of conduct, possible legal sanctions and penalties, statements of the health risks associated with alcohol and drug abuse, alcohol and drug programs available, and disciplinary sanctions for violations of the standards of conduct.

Penalties outlined in the Higher Education Opportunity Act

Section 484(r)

(r) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—

(1) IN GENERAL.—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table: if convicted of an offense involving:

The possession of a controlled substance:	Ineligibility period is:
First offense	1 year
Second offense	2 years
Third offense	Indefinite.

(2) REHABILITATION.—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

- (A) the student satisfactorily completes a drug rehabilitation program that—
 - (i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
 - (ii) includes two unannounced drug tests;
- (B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or
- (C) the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) DEFINITIONS.—In this subsection, the term "controlled substance" has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).