

Notice of Financial Aid Penalties Associated with Drug Offenses

Students with criminal convictions have limited eligibility for federal student aid.

The Higher Education Act of 1965, as amended, requires all colleges and universities to notify all students, even those who are not receiving financial aid, about the financial aid implications of drug convictions.

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for Federal Student Aid (FSA) funds. Students self-certify in applying for aid that he or she is eligible when completing the FAFSA.

Convictions only count against a student for aid eligibility purposes 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 he or she was a juvenile, unless he or she 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. 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.

	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	

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him or her ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following 3 options:

1. Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program);
2. 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
3. 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 you that he or she has successfully completed the rehabilitation program.

For more information about students with criminal convictions, go to <https://studentaid.ed.gov/sa/eligibility/criminal-convictions>.