

Effects of Drug Convictions on Title IV Financial Aid Eligibility

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds. The student self-certifies when applying for aid that he is eligible on the Free Application for Federal Student Aid (FAFSA).

Convictions only count against student eligibility 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 a juvenile, unless tried as an adult.

Penalties for Drug Convictions

The following outlines the periods of ineligibility for FSA funds, depending on whether the conviction was for the 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:

- 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

*If a 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.

How to Regain Eligibility

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program that includes passing 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 eligibility after completing any of the following 3 options:

- Successfully completing a rehabilitation program (as described below), which includes passing two unannounced drug tests from such a program
- 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
- Successfully completing two unannounced drug tests which are part of a rehab program (the student does not have 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 the College of Lake County that he/she has successfully completed the rehabilitation program.

When a student regains eligibility during the award year, the College of Lake County may award the Pell Grant and Campus-based aid for the current payment period and Direct Loans for the period of enrollment.

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.