

Loss of Student Eligibility for Federal Aid due to Drug Conviction

The Higher Education Amendments of 1998 include a new student eligibility provision. It provides that a student is ineligible for federal student aid if convicted, under federal or state law, of any offense involving the possession or sale of a controlled substance during a period of enrollment in which federal student aid was received. Federal aid can be grants, student loans, and/or college work study. The period of ineligibility begins on the date of conviction and lasts until the end of a statutorily specified period. The student may regain eligibility early by completing a drug rehabilitation program or if the conviction is overturned.

Section 484^{®*}, Higher Education Act of 1965, detailing the suspension of eligibility for drug-related offenses and rehabilitation, follows.

® 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
The sale of a controlled substance:		
Ineligibility period is:	First offense	2 year
	Second 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; or
 - b. 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)).

* This subsection was added by section 483(f) of the Higher Education Amendments of 1998 (H.R. 6).