

Notice of Federal Student Financial Aid Penalties for Drug Law Violations

Under federal law, some students that have a federal or state drug related conviction may be ineligible for federal student aid such as grants, loans, and work study.

Self-Identification

Students that are interested in federal student aid must complete a Free Application for Federal Student Aid (FAFSA). The FAFSA includes a question that asks, "Have you been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid." Students must answer this question. If the answer is "yes" to this question, the student will be provided with an additional worksheet to determine if they are currently eligible for federal student aid.

Not all drug convictions should be reported on the FAFSA

1. Students should only report drug related convictions for offenses that occurred during periods of enrollment for which they were receiving federal financial aid. Students should answer "No" to this question for any convictions that occurred during times when they were not receiving federal financial aid.
2. Students should not report convictions that were reversed, set aside, or otherwise rendered invalid
3. Students should not report convictions while they were a juvenile (under 18) unless they were tried as an adult
4. Alcohol and tobacco are not considered illegal drugs under this regulation

Periods of Ineligibility

The length of time that a student is ineligible due to drug related offenses depends on the type of offense and the number of convictions. Students become ineligible for federal student aid from the date of conviction through a scheduled timeframe. The following chart outlines the timeframes for which students become ineligible for federal financial aid due to drug convictions.

	<i>Possession</i> of illegal drugs	<i>Sale</i> of illegal drugs
1 st offense	1 year from date of conviction	2 years from the date of conviction
2 nd offense	2 years from date of conviction	Indefinite period of ineligibility
3 rd offense	Indefinite period of eligibility	Indefinite period of ineligibility

Students that have further drug related convictions after filing the FAFSA may have extended periods of ineligibility or may lose their eligibility indefinitely.

Regaining Eligibility

Students with suspended federal eligibility may regain their eligibility the day after the period of ineligibility expires (one year plus one day, two years plus one day).

Students may shorten their period of ineligibility or regain eligibility from an indefinite timeframe by meeting at least one of the following means:

1. Having a conviction reversed, set aside, or otherwise rendered invalid
2. Successfully completing an acceptable drug rehabilitation program that includes **two** unannounced drug tests
3. Passing **two** unannounced drug tests administered by an acceptable drug rehabilitation program

Acceptable Drug Rehabilitation Program

An acceptable Drug Rehabilitation Program must include **two** unannounced drug tests, and at least one of the following:

1. Be qualified to receive funds from a federal, state or local government program, or from a federal or state licensed insurance company, or
2. Be administered or recognized by a federal, state, or local government agency or court, or by a federal or state licensed hospital, health clinic, or medical doctor.

Not all programs administer unannounced drug testing. Students that contact a program for potential admission should explain the need for unannounced drug testing and inquire if the program can meet this requirement.

Many drug rehabilitation programs do not provide drug tests to individuals that have not been admitted to treatment. To meet the drug testing requirement without going through a drug rehabilitation program, students must make arrangements with an acceptable drug rehabilitation program to administer the unannounced drug tests.

Other Drug Laws

The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including federal financial aid, to persons convicted of drug trafficking or possession. The Department of Education maintains a hold list for applicants that have had such a judgment against them. Students will be notified that they are not eligible for federal financial aid and to whom they may inquire if they have questions.

Should I file a FAFSA if I have a drug related conviction?

Yes, Mesalands Community College encourages all students to submit a FAFSA. If you have been convicted of a drug related offense while you were receiving federal financial aid, you may still be eligible for institutional, state, and privately funded financial aid. If your ineligibility period expires or you complete an acceptable drug rehabilitation program, please inform the financial aid office so that a determination of available aid options can be completed on your behalf.

Additional Questions

For more information on this subject, current and prospective students should contact the Federal Student Aid Information Center at 1-800-4FED-AID (1-800-433-3243).