

Federal Student Financial Aid Penalties for Drug Law Violations

Federal law provides that a student who has been convicted of an offense under any federal or state law involving the possession or sale of a controlled substance during a period of enrollment for which the student was receiving financial aid shall not be eligible to receive any federal or institutional grant, loan, or work assistance 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:

Possession of a Controlled Substance	Ineligibility Period
First Offense	1 year
Second Offense	2 years
Third Offense	Indefinite
Sale of a Controlled Substance	Ineligibility Period
First Offense	2 years
Second Offense	Indefinite

A student whose eligibility has been suspended based on a conviction for possession or sale of a controlled substance may resume eligibility before the end of the ineligibility period if:

A. the student satisfactorily completes a drug rehabilitation program that:

1. complies with the criteria prescribed in the federal regulations; and

2. includes two unannounced drug tests;

B. the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with the criteria prescribed in the federal regulations; or

C. the conviction is reversed, set aside, or otherwise rendered nugatory.

HEOA Sec. 488(g): amended HEA Sec. 485 (20 U.S.C. 1092): added HEA Sec. 485(k)
HEOA amendment effective August 14, 2008; 34 C.F.R. §668.40.