

FSA Penalties for Drug Related Offenses

How do drug-related convictions affect my Federal Student Aid eligibility?

A student who has been convicted of any drug offense under any Federal or State law involving the possession or sale of a controlled substance, while receiving Title IV aid, will result in a loss of eligibility for Title IV grant, loan and work-study assistance for a specified period of time upon conviction.

How can I shorten my period of ineligibility?

A student whose eligibility has been suspended may resume eligibility before the end of the ineligibility period determined if:

1. The student satisfactorily completes an approved drug rehabilitation program that complies with the criteria as determined by the Department of Education and includes two unannounced drug tests; **or**
2. The student passes two unannounced drug tests administered by an approved drug rehabilitation program; **or**
3. The conviction is reversed, set aside, or otherwise rendered nugatory.

How long am I ineligible to receive Title IV Federal Student Aid if I don't pursue early reinstatement of eligibility?

The length of time you are ineligible depends on the type and number of convictions you have had for drug-related offenses committed while you were receiving aid.

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 years
Second Offense	Indefinite*

*Under the law, an indefinite period of ineligibility continues unless your conviction is overturned or otherwise rendered invalid or you meet one of the two early reinstatement requirements specified above.

When am I considered to be “receiving aid”?

You are considered to be receiving aid beginning the day that classes start for any term you have applied for, been approved for, and for which you have accepted an offer for Federal Student Aid.

Summer breaks do not count as time receiving aid if you are not enrolled in classes. However, holiday breaks during the academic year count as time enrolled.

What about convictions for Federal or State drug offenses that took place when I was not receiving aid?

Convictions for Federal or State drug offense (either sale or possession) count against a student for Title IV aid eligibility purposes only 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 occurred during a period of enrollment when the student was not receiving Federal Student Aid.

This law applies to you only if you have been convicted of a drug-related offense.

What is an approved drug rehabilitation program?

An acceptable drug rehabilitation program must include two unannounced drug tests and meet 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.

Where can I find an approved treatment program?

The Substance Abuse and Mental Health Services Administration (SAMHSA) lists treatment programs that receive Federal funds. Programs on the list are approved, provided they offer two unannounced drug tests.

How can I get the required drug test without enrolling in treatment?

Generally, drug rehabilitation programs do not provide drug tests to individuals whom they have not admitted to treatment. To meet the drug testing requirement without taking part in treatment, you will need to make arrangements with an approved drug rehabilitation program.

Are there other laws related to drugs that can make me ineligible for Title IV Federal Student Aid funds?

The Anti-Drug Abuse Act of 1988 includes provisions that authorize Federal and State judges to deny certain Federal benefits — including Title IV, HEA student aid – to persons convicted of drug trafficking or possession. The Department of Education maintains a list within the Central Processing System (provided by the Department of Justice) against which all FAFSA applicants are matched. Applicants on the Department of Justice (DOJ) Drug Abuse Hold List are notified that they are not eligible for Title IV, HEA funds and told whom they can contact if they have questions.

What if I already completed a treatment program that did not include unannounced drug tests or recovered through mutual aid meetings such as Narcotics Anonymous or SMART Recovery?

That does not meet the requirements of the law. To meet the requirements of the law and regain eligibility for Federal student aid, you must either successfully complete an acceptable drug rehabilitation program that includes two unannounced drug tests or successfully pass two unannounced drug tests at an acceptable drug rehabilitation facility after the date of your conviction.

How do I document successful completion of the treatment or drug testing requirements?

You will be required to provide written documentation from the director of the drug rehabilitation program confirming either the successful completion of the program *and* the two unannounced drug tests, *or* the successful completion of two unannounced drug tests.

What if I have other questions?

For more information, please call the Federal Student Aid Information Center at 800-433-3243, or the ENMU-Roswell Financial Aid Office at 575-624-7400, 800-243-6687 (toll free)