

## Federal Student Financial Aid Penalties for Drug Law Violations

A federal or state drug conviction can disqualify a student for federal student financial aid funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when the student was a juvenile, unless the student was tried as an adult.

The chart below illustrates the period of ineligibility for federal student aid funds, depending on whether the conviction was for 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		Sale of illegal drugs
1st offense	1 year from date of conviction	2 years from date of conviction
2nd offense	2 years from date of conviction	Indefinite period
3+ offenses		Indefinite period

If the 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

Students denied eligibility for an indefinite period can regain it only after successfully completing a rehabilitation program as described below or if a conviction is 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. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

When a student regains eligibility during the award year, the school may award Pell, and Campus-based aid for the current payment period and Direct loans for the period of enrollment.

1. A student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program. Further drug convictions will make the student ineligible again.
2. If a student successfully completes a drug rehabilitation program, he or she can regain eligibility for federal student aid funds as of the day the student successfully completes the program. To be sufficient to reinstate financial aid eligibility, the program must be recognized as a Federal, State, or local government agency program that include at least 2 unannounced drug tests
3. A student who will need to enter such a program should be sure that the program meets these requirements.
4. It is the student's responsibility to certify to you that they have successfully completed the rehabilitation program. If NDNU has reason to believe that the program does not

meet the requirements, NDNU must find out if it does before paying the student any federal student aid funds.

**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.