

Students convicted of possession or sale of drugs

As indicated in HEA Section 484(r), 34 CFR 668.40, a federal or state drug conviction can disqualify a student for Federal Student 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 they were a juvenile, unless the student was tried as an adult.

Depending on whether the conviction was for sale or possession and whether the student had previous offenses, the bullets below indicate the period of ineligibility. (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. Schools must provide each student who becomes ineligible for Title IV aid due to a drug conviction a clear and conspicuous written notice of their loss of eligibility and the methods whereby they can become eligible again.

A student regains eligibility the day after the period of ineligibility ends or when they successfully complete a qualified drug rehabilitation program or, effective beginning with the upcoming award year, pass two unannounced drug tests given by such a program. Further drug convictions will make the student ineligible again.

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program (as described below), passing two unannounced drug tests from such a program, 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. It is the student’s responsibility to certify to you that they have successfully completed the rehabilitation program; as with the conviction question on the FAFSA, you are not required to confirm the reported information unless you have conflicting information.

Approved Drug Rehabilitation Program

- A drug rehabilitation program that is:
 - A. Qualified to receive funds from a federal, state or local government or from a federally or state-licensed insurance company; or
 - B. Administered or recognized by a federal, state, or local government agency or court, or a federally or state-licensed hospital, health clinic or medical doctor.