

# **Bevill State Community College**

## **Federal Student Aid Penalties for Drug Law Violations**

Each institution must provide to each student a separate, clear, and conspicuous written notice that advises the student that a conviction for any offense, during a period of enrollment for which the student was receiving federal financial aid program funds, under any federal or state law involving the possession or sale of illegal drugs will result in the loss of eligibility for any federal student grant, loan, or work-study assistance.

Annual notices are sent to students' Bevill State e-mail addresses and posted at [www.bscc.edu](http://www.bscc.edu) under Consumer Student Information.

Students who fill out their FAFSA and answer "Yes" to question 23 will immediately receive a series of questions to determine their eligibility.

Students can also request Student Aid Eligibility Worksheet for Question 23 to determine whether the conviction affects their eligibility for federal student aid. The questions online or on the worksheet will provide the student with an eligibility date.

- If the eligibility date is before July 1, 2019, the student is instructed to change the response to question 23 to "1." The "1" indicates that the student's eligibility for federal student aid is not affected by question 23.
- If the eligibility date falls between July 1, 2019 and June 30, 2020, the student is instructed to change the response to question 23 to "2." The "2" indicates that the student's drug conviction(s) affect eligibility for federal student aid for part of this school year. To receive federal student aid, the student will need to tell the financial aid office their eligibility date. The student can become eligible earlier in the school year if they complete an acceptable drug rehabilitation program or pass two unannounced drug tests administered by an acceptable drug rehabilitation program. Even though the student is not eligible for federal student aid, they may still be eligible for aid from their state or college.
- If the eligibility date is after June 30, 2020, the student is instructed to change the response to question 23 to "3." The "3" indicates that the student is not eligible for federal student aid for the school year unless they complete an acceptable drug rehabilitation program or pass two unannounced drug tests administered by an acceptable drug rehabilitation program. Even though the student is not eligible for federal student aid, they may still be eligible for aid from their state or college.

Students convicted of a federal or state offense of selling or possessing illegal drugs that occurred while they were receiving federal student aid should still complete and submit the FAFSA because they may be eligible for federal aid, and if not, they may still be eligible for state or institutional aid. Students who leave question 23 blank cannot be paid federal aid until they respond by submitting a corrected SAR or ISIR.

## Students Convicted of Possession or Sale of Drugs

A federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds. The student self-certifies in applying for aid that he is eligible; you are not required to confirm this unless you have conflicting information.

Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) 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 was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge (see drug abuse hold sidebar). Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she was a juvenile, unless she was tried as an adult.

The chart below illustrates the period of ineligibility for FSA 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
1 <sup>st</sup> Offense	1 year from date of conviction	2 years from date of conviction
2 <sup>nd</sup> 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 FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following options:

- 1) Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;
- 2) Having the conviction 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; or
- 3) Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

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 she has 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.

When a student regains eligibility during the award year, you may award Pell Grant, TEACH, and Campus-Based aid for the current payment period and Direct Loans for the period of enrollment.

### **Standards for a qualified drug rehabilitation program**

A qualified drug rehabilitation program must include at least two unannounced drug tests and 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; or
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

If you are counseling a student who will need to enter such a program, be sure to advise the student of these requirements. If a student certifies that he has successfully completed a drug rehabilitation program, but you have reason to believe that the program does not meet the requirements, you must find out if it does before paying the student any FSA funds.