

6.3.2.9 Suspension of Aid Eligibility for Drug-Related Offenses

Notice Concerning Financial Aid Penalties for Drug Violations:

This notice is required to be sent to all enrolled students per the Federal Higher Education Opportunity Act (Public Law 110-315) (HEOA) enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended (HEA). This legislation, specifically Section 484(r), sets forth the rules governing the consequences upon a student's Federal Financial Aid eligibility if convicted under any Federal or State Law involving the possession or sale of a controlled substance.

A "controlled substance" is defined in Section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) as follows: The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986. Please review the Controlled Substance Act online at <http://www.deadiversion.usdoj.gov/21cfr/21usc/802.htm>.

Section 484(r) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES-

1. **IN GENERAL:** A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title 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:

The possession of a controlled substance: Ineligibility period is:

- | | |
|--------------------|-------------|
| i) First offense | 1 year |
| ii) Second offense | 2 years |
| iii) Third offense | Indefinite. |

The sale of a controlled substance: Ineligibility period is:

- | | |
|-------------------|-------------|
| iv) First offense | 2 years |
| v) Second offense | Indefinite. |

2. **REHABILITATION:** A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if--
 - a. The student satisfactorily completes a drug rehabilitation program that—
 - i) Complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
 - ii) Includes two unannounced drug tests; or
 - b. The conviction is reversed, set aside, or otherwise rendered nugatory.

3. **DEFINITIONS:** In this subsection, the term 'controlled substance' has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

EFFECTIVE DATE: The amendment made by paragraph (1), regarding suspension of eligibility for drug-related offenses, shall apply with respect to financial assistance to cover the costs of attendance for periods of enrollment beginning after the date of enactment.