

Federal Student Financial Aid Penalties for Drug Law Violations

Upon enrollment, the Higher Education Opportunity Act (HEOA) mandates each institution must provide written notice that advises the student that a conviction (while receiving financial aid) of any offense involving the possession or sale of illegal drugs will result in a loss of federal student eligibility.

At the beginning of each fall semester, Oglala Lakota College will send out annual notices to students' college e-mail accounts.

When completing the Free Application for Federal Student Aid (FAFSA), question 23 asks if the student has ever been convicted of a drug related offense. Failure to answer the question will automatically disqualify the student from receiving federal aid. Answering the question untruthfully, could result in fines, imprisonment or both.

Convictions count only if they were for an offense that occurred during a period of enrollment for which the student was receiving federal aid. A conviction does not count if it was reversed, removed from the student's record, or if the conviction occurred when the student was a juvenile, before the age of 18 (unless the student was tried as an adult).

According to the law, the following indicates the period of ineligibility for federal student aid. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

Possession of Illegal Drugs

1st offense

1 year from date of conviction

2nd offense

2 years from date of conviction

3+ offenses

Indefinite period

Sale of Illegal Drugs

1st offense

2 years from date of conviction

2nd offense

Indefinite period

3+ offenses

Indefinite period

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 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 federal or state-licensed hospital, health clinic, or medical doctor.

It is the student's responsibility to certify to the Financial Aid Administrator that he/she has successfully completed a qualified rehabilitation program.