

What if I Am Convicted of a Drug Offense After I Have Enrolled and I Have Already Received My Aid Money?

According to the United States Department of Education, if a student is convicted of a drug offense after receiving Federal aid money, he or she must notify the Financial Aid department immediately and that student will become ineligible for further aid and also be required to pay back any and all aid received after the conviction.

The law requires that a student lose his or her financial aid upon conviction of a drug offense. The good news is that many times these situations can be resolved in ways short of a conviction and, even if a conviction results, a student can take advantage of rehabilitation programs that can make him or her eligible for financial aid again.



Images courtesy of:

<http://www.usdoj.gov/dea>
<http://www.whitehousedrugpolicy.org>

Resources:

Student Legal Service 333-9053
<http://www.odos.uiuc.edu/sls>

Drug Evaluation Programs

Accent Counseling 398-8067
1207 S. Mattis, Champaign
<http://www.accentcounseling.com>

A.C.E.S., Ltd. 352-9122
115 N. Neil St., Champaign

Prairie Health Systems 328-4500
718 Killarney, Urbana
<http://www.prairie-center.com>

Drug Treatment Programs

CarleAddiction Recovery Program 383-6039
<http://www.carleaddictionrecovery.com>

Mental Health Center of Champaign County 367-2430
<http://www.mhcenter.org>

The Pavilion 1-800-373-1700
<http://www.pavilionhospital.com>

The information contained herein is not intended as a substitute for legal advice. Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney at Student Legal Service.

STUDENT LEGAL SERVICE

324 Illini Union
Office Open: 8:30am-Noon, 1-4:30 pm M-F
<http://www.odos.uiuc.edu/sls>

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University of Illinois at Urbana-Champaign
STUDENT LEGAL SERVICE



Drug Conviction and Your Financial Aid



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<http://www.odos.uiuc.edu/unit/SLS>

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Can I Lose My Federal Student Loan Money Because of a Drug Conviction?

Yes. Under the Higher Education Act, students become ineligible for federal student loan money upon conviction of any offense involving the possession or sale of illegal drugs. Federal loans include Federal Pell Grants, Federal Stafford Loans, Federal PLUS loans, Federal Work Study, and Perkins Loans.

How Long Am I Ineligible?



Possession of Illegal Drugs:

- » First Offense: 1 year from the date of conviction
- » Second Offense: 2 years from the date of conviction
- » Third and Subsequent Offenses: Indefinite ineligibility from the date of conviction

Sale of Illegal Drugs:



- » First Offense: 2 years from the date of conviction
- » Second and Subsequent Offenses: Indefinite ineligibility from the date of conviction.

Is There Anything I Can Do To Protect My Financial Aid and/or to Have it Reinstated After a Conviction?

Yes. If a student successfully completes a drug rehabilitation program, he or she will regain eligibility for student loan funds as of the day the student successfully completes the program.

Does McKinley Health Services Have a Program that Qualifies?

No. To be sufficient to reinstate financial aid eligibility, the program must:

- (1) include at least 2 unannounced drug tests AND
- (2) be recognized as a Federal, State, or local government agency run program.

McKinley Health Center does not run a rehabilitation program recognized by Federal, State, or local government standards. Therefore, a student forced to enroll in a rehabilitation program to protect his or her financial aid status will have to do so at his or her own expense.

Many such programs exist in the Champaign-Urbana area, including a program through Prairie Health Center in Champaign.



Do City Tickets for Possession of Marijuana Count as Drug Convictions?

If the tickets are paid by mail and you never appear before a judge, this does not count as a drug conviction. A conviction only takes place if a judge or jury pronounces you guilty of the charge in a court of law.

It is advisable to pay such tickets through the mail if you are in fact guilty or you lack a workable defense in order to avoid having to appear in court and risking a conviction. *If you are unsure of your defense, seek legal counsel at Student Legal Service.*



What About Court Supervision on a Misdemeanor Charge of Possession of Marijuana?

Under the terms of court supervision, the judge does not declare you guilty but instead defers judgment in anticipation that you will fulfill certain conditions. The case is then dismissed at the end of the supervision period if all conditions have been met.

Therefore, if you receive court supervision on a drug charge, you have not technically been convicted of the offense and therefore your financial aid should not be affected. There would be no need in such an instance to report anything to the Financial Aid department since you were never convicted.

In a Champaign County drug case, drug rehabilitation will be a condition of court supervision.



When Applying for Federal Financial Aid, Will I Be Asked About Drug Convictions?

Yes. Question 31 on the FAFSA form asks if the student has ever been convicted of a drug related offense. Failure to answer the question will automatically disqualify the student from Federal financial aid.

What if I Lie on the Financial Aid Application Form?



On a practical level, many critics of this law have pointed out that the federal government has no way of knowing about any convictions other than convictions in federal court and have suggested that students have been able to successfully lie on the FAFSA form without any consequence, as long as their convictions were in local and state courts.

BEWARE: Lying on your FAFSA form is considered a crime and can carry a fine up to \$10,000 if discovered. It can also lead to immediate dismissal from the University.