



Facts about the HEA Drug Provision

TOTAL APPLICANTS AFFECTED - More than 175,000 people have been denied federal education assistance due to a past drug conviction since the Drug Provision was added to the Higher Education Act in 1998, according to the United States Government Accountability Office. This number does not account for persons who did not apply because they thought that they would be denied.

WHO IS INELIGIBLE - Periods of ineligibility based on type and number of offenses.

Possession of a controlled substance		Delivery of a controlled substance	
First offense:	1 year	First offense:	2 years
Second offense:	2 years	Second offense:	Indefinite
Third offense:	Indefinite		

The Higher Education Act was passed by Congress in 1965 to provide financial resources for education to those who could not otherwise afford tuition. According to the legislation, the law was intended to, “strengthen the educational resources of our colleges and universities and to provide financial assistance to students in postsecondary and higher education.”

The Drug Provision of the Higher Education Act is unfair for several reasons:

DISCRIMINATING FOR DRUG OFFENSES - Drug convictions are the only infractions for which people are denied financial aid under the Higher Education Act. Even people convicted of violent offenses remain eligible to receive federal assistance to attend higher education.

DISPROPORTIONATELY IMPACTING MINORITIES - Racial minorities are disproportionately affected by the HEA Drug Provision. Although African Americans make up 13 percent of the U.S. population and 13 percent of the nation’s drug users, they account for 55 percent of all drug convictions. Due to the disparate enforcement of drug laws, a far higher percentage of racial minorities are ineligible for federal financial aid under this law.

TARGETING LOW-INCOME FAMILIES - Individuals from low- and middle-income families are the most negatively impacted by the Drug Provision - the same people the HEA is intended to assist. Yet these are the people who have the greatest need for student aid.

PENALIZING GOOD STUDENTS - The HEA already excludes students receiving lower than a “C” average in their studies from receiving federal financial aid. So the Drug Provision only denies aid to students who are doing well in school.