

### **HJC Drug and Alcohol Abuse Policy**

West Virginia sanctions depend on the classification of controlled substance, the particular activity involved (possession or trafficking) and whether multiple convictions are involved. Under West Virginia law, the most severe penalties for drug violations are for possession with intent to sell. On a first offense conviction, one may receive a fine of up to \$25,000 and/or imprisonment for 15 years. Sanctions for violations of State alcohol laws vary according to the severity of the offense, with the minimum vehicular violation calling for imprisonment in the county jail for 24 hours and a \$500 fine.

### **LOSS OF AID ELIGIBILITY ASSOCIATED WITH DRUG-RELATED OFFENSES AND HOW TO REGAIN ELIGIBILITY (as taken directly from Chapter 1 of the Student Financial Aid Handbook)**

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.)

<b>Possession of illegal drugs</b>	<b>Sale of illegal drugs</b>	
<b>1st offense</b>	1 year from date of conviction	2 years from date of conviction
<b>2nd offense</b>	2 years from date of conviction	Indefinite period
<b>3+ offenses</b>	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 Title IV aid 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 or when he successfully completes a qualified drug rehabilitation program or, effective beginning with the 2010–2011 award year, passes 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 it after successfully completing a rehabilitation program (as described below), passing two unannounced drug tests from such a program, or if a conviction is 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. 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, ACG, National SMART, TEACH, and Campus-based aid for the current payment period and Direct and FFEL loans for the period of enrollment.

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

A qualified drug rehabilitation program must include at least two unan

**Counting non-credit or reduced-credit remedial work**

A student can receive aid for a limited amount of remedial coursework that is included as part of a regular program. As long as the student qualifies for aid for remedial courses, you must include the remedial courses in the student's enrollment status.

Some schools give no credit or reduced credit for remedial classes. To determine enrollment status, credit hours for the remedial class should be the same as for the comparable full-credit class. If you're using credit hours, you can compare the number of classroom and homework hours of study that the remedial course requires with the hours required for similar courses offered for full credit. Clock-hour schools should use the number of classroom hours attended in the remedial program.

34 CFR 668.20

**Drug convictions**

HEA Section 484(r)

34 CFR 668.40

**Drug abuse hold**

The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. The CPS maintains a hold file of those who have received such a judgment, and it checks applicants against that file to determine if they should be denied aid. This is separate from the check for a drug conviction via question 23; confirmation of a student in the drug abuse hold file will produce a rejected application and a separate comment from those associated with responses to question 23. See the ISIR Guide for more information. **1-16 Vol. 1—Student Eligibility 2010-11** *FSA HB JUL 2010*

nounced drug tests and must 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.
- 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.