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WASHINGTON LEGISLATIVE OFFICE

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ACLU Renews Call for End to “Drug Question” for Financial Aid Applicants: Unwise Measure Blocks Qualified Students from Higher Education

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WASHINGTON – Joining more than 200 organizations from around the country, the American Civil Liberties Union today renewed its call to Congress for a repeal of a counterproductive and harmful drug provision of the Higher Education Act. The provision denies federal financial aid to students who have been convicted of any drug offense, no matter how minor the infraction, and has closed the doors of education to many low- and middle-income students.

“The Department of Education is not, and should not be, the Drug Enforcement Agency,” said Jesselyn McCurdy, an ACLU Legislative Counsel. “Otherwise qualified students are being punished twice. These are students that have already faced the criminal consequences of their actions. This policy makes it even harder for those students most in need of financial aid to get it.”

McCurdy spoke today at a news conference hosted by the Coalition for Higher Education Act Reform, of which the ACLU is a member. Specifically, the coalition is calling on Congress to adopt the Removing Impediments to Students’ Education (RISE) Act, recently introduced by Rep. Barney Frank (D-MA) with 50 co-sponsors.

The RISE Act aims to repeal the drug provision of the Higher Education Act. Since that policy was enacted in 2000, more than 160,000 students have been denied financial aid for past drug convictions. This number does not take into account those individuals who may not have sought financial aid out of fear that their prior drug convictions would preclude them from receiving money.

The drug provision has drawn criticism as it, by its design, impacts low and middle-income people, and as a result, a disproportionate number of minorities. According to the higher education coalition, in federal courts, 43 percent of those convicted of a drug offense are Hispanic and 29 percent are African American. In state courts, 53 percent of those convicted of a drug offense are African American.

The ACLU also pointed to a study conducted by the Advisory Committee on Student Financial Assistance, an independent body created by Congress to examine higher education and student aid policy. That report, called “The Student Aid Gauntlet: Making Access to College Simple and Certain,” recommended that the drug provision of the Higher Education Act be removed, calling it a deterrent for some students to apply for aid.

“By closing the doors of higher education to those most in need,” the ACLU’s McCurdy added, “Congress has only made a bad situation worse.”

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