



Coalition for Higher  
Education Act Reform  
[www.RaiseYourVoice.com](http://www.RaiseYourVoice.com)



## Talking Points on the HEA Drug Provision

*last updated May 2006*

- Since the drug provision was added to the Higher Education Act in 1998, more than 180,000 students have been affected as a result of their response to the question about drug convictions on the FAFSA. (This number does not account for students whom the question deterred from applying for aid in the first place).
- The HEA drug provision -- also known as the "Aid Elimination Penalty") usurps the criminal justice system's authority to administer punishments for violations of the law and punishes individuals twice for the same infraction. Judges already have the discretion in many cases to revoke a student's federal educational aid. Officials in Washington who do not and *cannot* know what is best for individual students should not make blanket policies which overstep the discretion of judges and school administrators to deal appropriately with students who use illegal drugs.
- The HEA drug provision disproportionately hurts the children of low- and middle-income families – the same people the HEA is intended to assist. Students who qualify for federal financial aid receive that aid because tuition costs would otherwise prevent them from attending college. The drug provision constitutes one more obstacle in their pursuit to overcome the financial restraints that keep them from furthering their education.
- Removing students' financial aid and forcing them to leave college increases the likelihood that they won't return to complete their studies. The Department of Education reports that among students who left four-year colleges before the beginning of their second year, 36% did not return within five years; 50% of those leaving two-year institutions did not return within five years.
- Entering or returning to college reduces the likelihood that an individual will return to engaging in illegal activity. According to the Federal Bureau of Prisons, there is an inverse relationship between recidivism rates and education. The Correctional Education Association also reports that prisoners who receive at least two years of higher education have a 10% arrest rate, compared with a national re-arrest rate of about 60%.
- Minorities are disproportionately affected by the HEA drug provision. While African Americans make up 13% of the population and 13% of drug users, they account for 55% of all drug convictions. The disparate racial impact of drug law enforcement will inevitably spread into the realm of higher education via this law. Accordingly, minority groups have far higher percentages of their members who are ineligible for federal financial aid than whites. Currently, more African American men are in prison than in college.
- Students who cannot afford college tuition are frequently also unable to afford the private drug rehabilitation required by the HEA drug provision to resume eligibility for federal financial aid.
- The HEA already excludes students receiving lower than a "C" average in their studies from receiving federal financial aid. The drug provision, therefore, only denies aid to students who are doing well in school.