

Higher Education Act Drug Provision Fact Sheet

The 1998 amendment to the Higher Education Act included a section called the Drug Free Student Provision. This provision makes students ineligible for financial aid if they have been convicted of a drug offense. The provision effectively prevents many students from attending school, and often forces those affected while in school to leave for lack of funding.

Education Facts:

- **More than 120,000 applications for federal financial aid have been denied** because of the Drug Free Student Provision of the Higher Education Act. This number does not include the number of people who did not apply because they knew they would be denied.
- Being forced to leave college will significantly **lower the probability of a student ever finishing school**: Of students enrolled in a 4-year college, 36% of those who left after the first year did not return. This number increases to 50% for students enrolled in a 2-year college.
- Keeping students out of college reduces the possibility that their children will complete college, and **helps feed the cycle of under-education, poverty and economic disadvantage**: Only 55% of students who enroll in college will complete their degree if their parents have not obtained a college degree.

Criminal Justice Facts:

- Educated individuals are less likely to become repeat offenders: According to the Federal Bureau of Prisons, there is **an inverse relationship between recidivism rates and education**, the higher level of education received, the lower the recidivism rates.
- Penalizing a student under the so-called Drug Free Student Provision is **double or triple jeopardy**: Students are already subject to the normal criminal justice penalties imposed by our courts, and sometimes additional sanctions from their schools.
- The provision has a **racially discriminatory impact**: In federal courts, 43% of those convicted of a drug offense are Hispanic, 29% are Black, the remaining minority is White. In state courts, 53% of those convicted of a drug offense are Black. Although Whites make up 69% of the population, minorities comprise the largest percentages of individuals ineligible for financial aid.

Public Support:

- Students across the country want the Drug Free Student Provision repealed: **More than 100 student governments** at major colleges and universities have passed resolutions calling for the repeal of the provision.
- Major colleges have stood up against the provision, refusing to let their students be affected: four colleges, including **Yale**, have implemented **scholarship programs to replace aid** taken away by this law.
- Major education and civil rights organizations nationwide are joining the fight to have the provision repealed: Over 30 national organizations are officially involved and have contacted Congress about the issue, including **ACLU, NAACP, American Federation of Teachers**, and the **National Association of Student Financial Aid Administrators**.
- Commitment to repeal the provision is growing among Members of the House of Representatives: To date, **64 co-sponsors** have signed onto HR 685, Rep. Frank's bill that singularly and unconditionally calls for the repeal of the Drug Free Student Provision.

Religious Support:

- The following religious bodies have come out in favor of repealing this provision: **National Council of Churches, United Methodist Church, Evangelical Lutheran Church, Presbyterian Church, United Church of Christ, Unitarian Universalist Association, Progressive Jewish Alliance, Religious Society of Friends (Philadelphia Yearly Meeting), Commission on Social Action of Reform Judaism, Progressive National Baptist Convention, Church of the Brethren Witness, Church Women United, Association of Jesuit Colleges and Universities**, and the **Friends Committee on National Legislation**.