

DRUG POLICY

The NCK TECH Board of Control, administration and staff believe that maintaining a drug free educational environment is important to the success of every student. The Federal Government has passed the Drug Free Schools and Communities Act, P.L. 101-226, 103 Stat. 1928. As a result, **a federal or state drug conviction (but not a local or municipal conviction) can disqualify a student for FSA funds.** This disqualification can be for a brief period or indefinitely.

Convictions only count against a student for aid eligibility purposes if they were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid—they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge. Also, a conviction that was reversed, set aside, or removed from the student’s record does not count, nor does one received when she was a juvenile, unless she was tried as an adult.

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.)*

	Possession of illegal drugs	Sale of illegal drugs
1st offense	1 year from date of conviction	2 years from date of conviction
2nd offense	2 years from date of conviction	Indefinite period
3+ offenses	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.

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make a student ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following 3 options:

1. Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;
2. Having the conviction 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; **OR**
3. Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

Standards for a qualified drug rehabilitation program:

A qualified drug rehabilitation program **must include** at least two unannounced drug tests and satisfy at least one of the following requirements:

1. Be qualified to receive funds directly or indirectly from a federal, state, or local government program;

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2. Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company;
3. Be administered or recognized by a federal, state, or local government agency or court; **OR**
4. Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

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