

STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS

In December, 2020, the FAFSA Simplification Act was enacted into law as part of the Consolidated Appropriations Act of 2021. The FAFSA Simplification Act amended Section 484 of the Higher Education Act of 1965 (HEA), making several important changes to student eligibility criteria. One of these is the elimination of the prohibition on receiving Title IV aid for students with drug-related convictions.

For the 2021-2022 award year, the Selective Service and drug conviction questions (as well as the option to register with the Selective Service via the FAFSA) will remain on the FAFSA. However, failing to register with the Selective Service or having a drug conviction while receiving federal Title IV aid will no longer impact a student's Title IV aid eligibility, and a student who fails to register or has a drug conviction may be eligible to receive Title IV aid if they meet all other eligibility criteria. Please see Dear Colleague Letter GEN-21-04 for more information about the implementation of these changes.

Drug convictions

HEA Section 484, DCL GEN-21-04

INCARCERATED STUDENTS

A student is considered to be incarcerated if he or she is serving a criminal sentence in a federal, state, or local penitentiary, prison, jail, reformatory, work farm, or similar correctional institution (whether it is operated by the government or a contractor). No student who is incarcerated in a Federal or State penal institution may be eligible to receive Pell Grant funds, however, such students may still be potentially eligible for FSEOG and FWS. Halfway houses, periods of home detention, and/or serving only weekends are not considered incarceration for Title IV eligibility purposes.

An incarcerated student is still potentially eligible for Pell, FSEOGs, and FWS, but not Direct Loans, if he or she is incarcerated in a juvenile justice facility, a local or county jail, or a local or county penitentiary or correctional facility, regardless of which governmental entity operates or has jurisdiction over the facility. However, a student in such an institution is still considered incarcerated for purposes of calculating cost of attendance (COA) under section 472 of the HEA when determining eligibility for and the amount of the Pell Grant (See *Volume 3, Chapter 2* for more on COA).

You may accept the student's written self-certification that he is no longer incarcerated (be sure to explain to the student the differences in what is considered incarcerated status, per the above). See *Chapter 6* for more information on this and on sex offenders who were incarcerated but are now subject to an involuntary civil commitment.