

## CONTROLLED SUBSTANCES AND ALCOHOL

It will be the policy of Cattaraugus-Allegany BOCES to prohibit the use of tobacco, alcohol and controlled substances on its property. The District Superintendent will take positive action through a program of education, counseling, and referral to medical and/or legal authorities in handling incidents in the school involving the possession, sale and/or use of such substances.

Any student who violates any provision of this policy may be terminated from the nursing program. Practical Nursing students receive additional instruction on health risks and community resources for substance abuse problems.

### STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS

A federal or state drug conviction can disqualify a student for FSA funds. The student self-certifies in applying for aid on the FAFSA that he/she is eligible.

The Higher Education Reconciliation Act (HERA) modified this criterion so that convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid. Students who became ineligible due to offenses that did NOT occur during such a period are now eligible. 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.)

**Drug abuse hold**

The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. The CPS maintains a hold file of those who have received such a judgment, and it checks applicants against that file to determine if they should be denied aid. This is separate from the check for a drug conviction via question 31; confirmation of a student in the drug abuse hold file will produce a rejected application and a separate comment from those associated with responses to question 31. See the ISIR Guide for more information.

	Possession of Illegal Drugs	Sale of Illegal Drugs
<b>1<sup>st</sup> offense</b>	1 year from date of conviction	2 years from date of conviction
<b>2<sup>nd</sup> offense</b>	2 years from date of conviction	Indefinite period
<b>3+ offenses</b>	Indefinite	

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 or when he successfully completes a qualified drug rehabilitation program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it only after successfully completing a rehabilitation program as described below or if a conviction is 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. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify to BOCES that he/she has successfully completed the rehabilitation program; as conviction question on the FAFSA.

When a student regains eligibility during the award year, BOCES may award Pell and Campus-based aid for the current payment period and Direct and FFEL loans for the period of enrollment.

Students convicted of a federal or state offense of selling or possessing illegal drugs that occurred while they were receiving federal student aid should still complete and submit the FAFSA because they may be eligible for federal aid, and even if they aren't, they may be eligible for state or institutional aid.

Students who fill out their FAFSA online and answer "Yes" to question 31 will immediately receive a series of questions to determine their eligibility. Students who fill out a paper FAFSA and answer "Yes" to this question will receive a worksheet with their SAR to determine whether the conviction affects their eligibility for federal student aid. If the date they regain eligibility falls before July 1, 2008, the worksheet will instruct them to change the response to a "1", indicating full eligibility for the award year. If the date falls between July 1, 2008, and June 30, 2009, they will not be eligible for part of the award year and will need to change the response to a "2".

If the date falls after June 30, 2009, the students' response will remain a "3." They will not be eligible for federal aid during the entire award year unless they complete a qualified drug rehabilitation program. *See Volume 1: Student Eligibility for more on drug convictions and eligibility.*

Students who leave question 31 blank cannot be paid Title IV aid until they respond by submitting a corrected SAR or ISIR.

### ***Standards for a qualified drug rehabilitation program***

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements: (If a student needs to enter such a program, they will be advised).

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.