

The Higher Education Act Drug Provision Position Paper of Students for Sensible Drug Policy

Our drug laws and policies obstruct access to education, and thus have an adverse impact on our generation. Our country's current approach to drug use, abuse, and addiction stems from a mentality that there is no second chance when it comes to drinking and drug use. This is the zero tolerance mentality, and one of its most recent incarnations is an amendment to the Higher Education Act that denies federal financial aid to anyone convicted of a drug-related offense, no matter how minor. The amendment has adversely affected more than 160,000 students to date.

Our organization sees education as essential to the development of a productive, successful society. Indeed, Congress enacted the Higher Education Act to encourage an increase in educational opportunities available to all children, particularly those from families of modest means who cannot afford the costs of college. The Drug Provision of the Higher Education Act obstructs the path to education. It perverts the Act's important, noble intentions.

As the Drug Provision obstructs the path to education, it steers students who have used, abused, or been addicted to drugs into a cycle of failure and recidivism. Offenders without any access to education are much more likely to continue to commit crime than those who receive some schooling. If our country wants to reduce drug use, abuse, addiction, and crime, we cannot deny drug offenders the opportunity of education. Drug abuse and addiction are serious problems our country must tackle, but blocking education to those trying to break a cycle of addiction is an inappropriate response. Pulling at-risk students out of school makes it more difficult for them to turn their lives around and succeed.

Moreover, the Drug Provision is particularly damaging in its discriminatory impact. It tends to impact only the children from families of modest means who cannot afford the high costs of college. Children from wealthy families need not worry about a loss of aid; they generally do not qualify for aid in the first place.

Additionally, the Drug Provision has a disparate impact on communities of color. For example, African-American constitute 13% of our population and 13% of drug users, but 38% of those arrested for drug offenses and 59% of those convicted. This higher conviction rate translates into a higher ineligibility rate for aid.

Our organization wants to reduce the harms associated with drug use, but our experiences and perspective have taught us that a punitive policy is not a real solution. Unfortunately, the mentality that students who use, abuse, or are addicted to drugs don't deserve a second chance tends to breed policies that place punishment above education, treatment, and rehabilitation. Our organization sees the Drug War increasingly as an attack on education, an attack on youth. The government has held education hostage to the politics of the Drug War. Yet, we will continue to speak truth to the harms of the Drug War. We will educate our peers, parents, teachers, and legislators until our drug laws and policies are sensible and compassionate.