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Why is Full Repeal of the HEA Aid Elimination Penalty Necessary?

In early 2006, Congress partially scaled back the Aid Elimination Penalty previously added to the Higher Education Act (HEA) in 1998. The reform modifies the penalty to stop its application to students with drug convictions in the past, while students who get convicted while they are in school and receiving aid *continue to be stripped of their eligibility*.

For the following reasons, the partial reform to the HEA Aid Elimination Penalty leaves many of the fundamental problems with the law unaddressed:

- Students convicted on drug charges are still forced to drop out of school, making them more likely to continue abusing drugs and engaging in criminal activity (thus becoming costly burdens on the criminal justice system) and less likely to become productive taxpaying citizens (thus reducing the nation's economic productivity).
- The partial reform only helps a small portion of affected students leaves tens of thousands behind. Traditionally, students enroll in college after graduating high school around age 18. Since juvenile convictions aren't taken into account under the penalty, most traditional students affected by it are convicted while in college and thus aren't helped by the partial reform.
- Since there are already minimum GPA requirements for receiving financial aid, the penalty still only affects hardworking and determined students who are doing well in school.
- Because of the discriminatory enforcement of drug laws, the penalty still disproportionately affects people of color.
- Because of the need-based eligibility determination of financial aid, the penalty still only affects students from low- and middle-income families, while better-off students can afford to pay for tuition on their own (and hire good lawyers to avoid convictions in the first place).
- National organizations that have called for the penalty's full repeal include the National Association of Student Financial Aid Administrators, the American Council on Education, the Association for Addiction Professionals, the United Methodist Church, and the Presbyterian Church. For a full list of all 250 organizations, see www.raiseyourvoice.com/supporters.shtml.
- In 2005, the congressionally-created Advisory Committee on Student Financial Assistance recommended that Congress completely remove the drug question from the financial aid application, calling it "irrelevant" to aid eligibility and stated that the question's mere appearance on the form deters some students from applying. Under the partial reform, applicants still have to answer a confusing drug conviction question on the financial aid form. Many eligible students continue to be deterred from applying because of past convictions they mistakenly think make them ineligible.