

Talking Points: Question 2 and Student Loans

Proponents of Question 2 claim that it will protect our children from being denied student loans. Here are the facts:

Under current federal law, the only way a student can be denied a student loan is if he is CONVICTED of a drug offense WHILE he is in school and already receiving federal aid, and then he loses his aid for ONE YEAR. He can lessen that one year period if he completes a drug rehabilitation. If he is convicted again, under the same conditions, he loses his loan eligibility for 2 years.

In Massachusetts, most youthful first offenders are diverted and never reach court; and if charged again, they receive the mandatory dismissal – so these are not convictions and do not affect loan eligibility.

Federal Student Aid Eligibility:

*Federal or State convictions that have been removed from a criminal record do NOT disqualify a candidate for federal loan assistance.

*Juvenile records do NOT disqualify a candidate for federal loan assistance, unless the offender was tried (and convicted) as an adult.

*Convictions that did not occur while a candidate was in school and receiving federal financial assistance do NOT disqualify a candidate for federal loan assistance.

A student who has been convicted of an offense involving the possession or sale of illegal drugs, for conduct occurring when the student was in school and receiving federal Title IV aid, shall not be eligible to receive Federal Financial Aid during the period beginning on the date of conviction and ending after the interval specified below:

	Ineligibility Period		
Possession:	First Offense 1 year	Second Offense 2 years	Third Offense Indefinite
Sale:	First Offense 2 years	Second Offense Indefinite	

REHABILITATION - A student may resume eligibility early if he/she satisfactorily

completes a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations and includes two unannounced drug tests.