



Coalition for Higher Education Act Reform

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August 25, 2005

The Honorable Dennis "Boog" Highberger
Mayor of Lawrence, Kansas

Dear Mayor Highberger,

I work with the Coalition for Higher Education Act Reform (CHEAR), which represents a coalition of more than 250 organizations from around the country that support the full repeal of the Higher Education Act (HEA) Drug Provision, a little known federal law that denies financial aid to students with prior drug convictions. I wanted to thank and commend you for your comments on the HEA Drug Provision in the August 23, 2005 article "City Marijuana Ordinance Courted" in the *Lawrence Journal-World*. As you mentioned, it is very hard for financial aid administrators to accurately state how many students have been affected by the Drug Provision. From my experience with speaking with victims of this misguided federal policy, many students are deterred from even applying for financial aid simply because they fear the embarrassment of being denied financial aid because of a past drug conviction.

The Senate Health, Education, Labor and Pensions (HELP) Committee is set to introduce their bill to reauthorize the Higher Education Act in September and there is a possibility that full repeal language will be included in the bill. Kansas Senator Pat Roberts sits on the HELP Committee, yet the Senator has not taken a stance on this issue. As a member of the HELP Committee, Sen. Roberts has an important opportunity to push for full repeal as the Senate works to reauthorize the Higher Education Act. Now is the time to contact Sen. Roberts about this issue and encourage him to support full repeal of this law.

Despite the Drug Provision being a federal law, many state financial aid offices have misinterpreted the law and apply it to their state financial aid systems. Kansas currently leaves this decision up to individual institutions but many universities and colleges fail to award state financial aid to students denied federal financial aid. Many states, including Arizona, Rhode Island, and Delaware, have introduced legislation calling for the full repeal of this law and the reinstatement of state financial aid to students affected by the federal policy. Please also consider suggesting this legislation Kansas state legislators and asking for their support in removing this harmful barrier to education.

The Coalition for Higher Education Act Reform (CHEAR) is a coalition of more than 250 organizations, including the Kansas National Education Association, the Kansas Association of Criminal Defense Lawyers, and the Kansas League of Women Voters, that support the full repeal of this misguided and unfair federal policy. Since the HEA Drug Provision took effect in 2000, more than 178,000 students have lost their financial aid due to prior drug offenses, with more than 17,000 losing their aid since January of this year. I have attached a list of our current supporters as well as some example legislation that is currently pending in state legislatures. Please feel free to contact me with any questions or concerns. Thank you for your time.

Sincerely,

Chris Mulligan
Campaign Director

Encl. – List of Supporters, RI Bill H6134, AZ Bill HCM 2004, and DE Bill HCR 78



SPONSOR: Rep. Plant & Rep. George &
Sen. Henry; Reps. Buckworth, DiPinto, Keeley,
Lee, Reynolds; Sens. Blevins, McDowell

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 78

URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REPEAL 20 U.S.C. 1091(r) KNOWN AS
THE "DRUG PROVISION" OF THE HIGHER EDUCATION ACT.

1 WHEREAS, 20 U.S.C. 1091(r) was added in 1998 as an amendment to the Higher Education Act ("HEA"); and

2 WHEREAS, this amendment excludes all students with any past drug convictions from receiving federal financial aid to
3 attend institutions of higher learning; and

4 WHEREAS, this amendment makes no distinction between the age of the drug offense and/or the level of the drug offense;
5 and

6 WHEREAS, this amendment precludes all prior convicted drug offenders from receiving financial aid for higher education
7 while individuals convicted of rape, arson or armed robbery are eligible for such aid; and

8 WHEREAS, according to the U.S. Department of Education statistics, 140,000 students have either been denied financial aid
9 or stopped applying for aid as a result of 20 U.S.C. 1091(r); and

10 WHEREAS, this federal provision has had the effect of punishing individuals who have already served criminal sentences,
11 paid their fines and are attempting to become productive citizens and taxpayers by obtaining higher education degrees; and

12 WHEREAS, the repeal of 20 U.S.C. 1091(r) has the support and backing of over seventy organizations around the country
13 including the National Education Association, National Council for Higher Education, American Federation of Teachers,
14 National Association of Student Financial Aid Administrators and the National Association of Independent Colleges and
15 Universities;

16 NOW THEREFORE:

17 BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate
18 concurring therein, that the Congress and the President of the United States are respectfully requested and urged to repeal 20
19 U.S.C. 1091(r).

SYNOPSIS

20 U.S.C. 1091(r) was added to the Higher Education Act in 1998. The amendment precludes anyone with a drug conviction from obtaining federal funding for higher education regardless of the offense, the age of the offense or the fact that the offender had fully completed their criminal sentence. This resolution urges Congress and the President to repeal this amendment which the Department of Education estimates has precluded 140,000 students from receiving or applying for federal financial aid.

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: higher education; drug provision; repeal

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HCM 2004

Introduced by

Representatives Bradley, Chase, Downing, Hershberger, Landrum Taylor,
Lopez L, Meza, Reagan, Senator Garcia: Representatives Aguirre A, Alvarez,
Cajero Bedford, Kirkpatrick, Senator Giffords

A CONCURRENT MEMORIAL

URGING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO REPEAL THE DRUG
PROVISION OF THE HIGHER EDUCATION ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress and President of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, 20 United States Code section 1091(r) was added in 1998 as an
4 amendment to the Higher Education Act; and

5 Whereas, this amendment excludes all students with any past drug
6 conviction from receiving federal financial aid to attend institutions of
7 higher learning; and

8 Whereas, this amendment makes no distinction between the age of the
9 drug offense or the level of the drug offense; and

10 Whereas, this amendment precludes all prior convicted drug offenders
11 from receiving financial aid for higher education while individuals convicted
12 of rape, arson or armed robbery are eligible for such aid; and

13 Whereas, according to the United States Department of Education
14 statistics, 140,000 students have either been denied financial aid or stopped
15 applying for aid as a result of this drug provision; and

16 Whereas, this federal provision has had the effect of punishing
17 individuals who have already served criminal sentences and paid their fines
18 and who are attempting to become productive citizens and taxpayers by
19 obtaining higher education degrees; and

20 Whereas, the repeal of 20 United States Code section 1091(r) has the
21 support and backing of more than seventy organizations around the country,
22 including the National Education Association, the National Council for Higher
23 Education, the American Federation of Teachers, the National Association of
24 Student Financial Aid Administrators and the National Association of
25 Independent Colleges and Universities.

26 Wherefore your memorialist, the House of Representatives of the State of
27 Arizona, the Senate concurring, prays:

28 1. That the Congress and President of the United States take immediate
29 steps to repeal 20 United States Code section 1091(r).

30 2. That the Secretary of State of the State of Arizona transmit copies
31 of this Memorial to the President of the United States, the President of the
32 United States Senate, the Speaker of the United States House of
33 Representatives and each Member of Congress from the State of Arizona.

1 attend a higher education institution regardless of whether they have been convicted of drug
2 offenses.

3 **16-7.3-2. Fund established.** – (a) Rhode Island residents who have been denied or
4 delayed financial assistance for tuition at a higher learning institution by the federal government
5 under the 1998 Amendment to the Higher Education Act, 20 U.S.C. 1091(r):

6 (1) Shall be fully compensated by the state of Rhode Island for the amount they would
7 have otherwise received;

8 (2) Shall receive said compensatory funding from the state of Rhode Island within a
9 schedule that would have been employed otherwise by the federal government; and

10 (3) Shall be allowed to use said compensatory funding at any institution of higher
11 education located in the state of Rhode Island.

12 (b) The general assembly shall annually appropriate any funds as it deems necessary to
13 implement the purpose of this chapter.

14 SECTION 2. This act shall take effect upon passage and shall be retroactive to January 1,
15 2000, entitling all individuals previously denied or delayed financial assistance to attend a higher
16 learning institution by the federal government to compensatory funding from the state of Rhode
17 Island.

LC02313

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would provide Rhode Island residents full compensation for the amount they
2 were denied for financial assistance under the 1998 Amendment to the Higher Education Act, 20
3 U.S.C. 1091(r).

4 This act would take effect upon passage and would be retroactive to January 1, 2000,
5 entitling all individuals previously denied or delayed financial assistance to attend a higher
6 learning institution by the federal government to compensatory funding from the state of Rhode
7 Island.

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LC02313
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