HEA Drug Provision Talking Points

Denying access to education is an inappropriate and discriminatory punishment.

- In 1998, Rep. Mark Souder (R-IN) slipped an obscure provision into the Higher Education Act that delays or denies federal financial aid to students with drug convictions. There was no debate or recorded vote on the provision.

- Since the drug question was added to the financial aid application in 2000, more than 160,000 students have been affected by Souder's HEA Drug Provision. This number doesn't account for students who didn't apply for aid because they knew they'd be denied.

- Putting up roadblocks on the path to education will do nothing to solve our nation's drug problems; it will only make them worse. Studies show that people in college have lower rates of drug use than people of the same age who aren't in college.

- The Drug Provision disproportionately affects minorities. Because of racial profiling and the discriminatory enforcement of drug laws, the Drug Provision is keeping minorities out of school at a much higher rate than the general population. There are more African-American men in prison than in college.

- The Drug Provision only hurts students from low- and middle-income families – the same people the HEA is intended to assist. Students from wealthier families can afford to pay for tuition without public assistance and can frequently afford the cost of a lawyer to avoid a drug conviction in the first place.

- Students who cannot afford tuition are frequently also unable to afford the private drug rehabilitation programs required by the Drug Provision to get their aid back.

- Removing students' financial aid and forcing them to leave college decreases the likelihood that they'll return to complete their studies.

- The Drug Provision punishes individuals twice for the same infraction. Victims of this law have already been punished by the criminal justice system. Taking away their access to education after they've already paid their debt to society is unnecessary.

- The Drug Provision usurps judges' and college administrators' authority to administer punishments for violations of the law and campus policies. Judges already have the ability to revoke federal student aid from people convicted of drug offenses when they deem appropriate. College administrators already have the ability to expel problem students.

- Entering or returning to college reduces the likelihood that an individual will return to engaging in illegal activity. The more education a person receives, the less likely they are to commit further crimes.

- The HEA already has minimum GPA requirements for receiving aid. Thus, the Drug Provision only affects students who are doing well in school.

- The appearance of the drug question on the student aid application can deter students from applying, even if they are actually eligible for aid.

- Many organizations have called for the full repeal of the Drug Provision, including the National Education Association, the National Association of Student Financial Aid Administrators, the Association for Addiction Professionals, the NAACP, and the United States Student Association. See www.raiseyourvoice.com/supporters.shtml for a full list.

- In January 2005, the congressionally-appointed Advisory Committee on Student Financial Assistance recommended that Congress remove the drug question from the financial aid application, calling it "irrelevant" to aid eligibility.

Rep. Mark Souder's proposal to reform his own law

- The Drug Provision is so obviously flawed that its own author, Rep. Mark Souder (R-IN), has characterized its enforcement as "draconian" and called for it to be reformed.

- Now that many education, addiction recovery, civil rights, and student organizations have complained about the provision, Rep. Souder is backtracking and trying to shift blame away from himself and toward the Department of Education, which he claims has misinterpreted the law.

- Rep. Souder's new proposal would allow some students with prior drug convictions to receive aid, but it would still strip aid from students who get convicted while attending college. Unfortunately, this is only a 10 percent solution to a law that is 100 percent flawed.

- Rep. Souder's backtracking doesn't address the fundamental problems with the Drug Provision. Under his proposal, the Drug Provision would still disproportionately affect minorities and students from low- and middle-income families. It would still only affect students who are doing well in school. The drug question's appearance on the financial aid application would still deter eligible students from applying. None of the organizations mentioned above feel that Rep. Souder's proposal is adequate.