

Denying College Aid Over Drugs Faces Fight

By Bonnie Miller Rubin - Chicago Tribune

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Thousands of college-aid applicants have been denied federal money over the last five years because they were convicted of possessing or selling drugs--a policy supporters say serves as a deterrent to drug use and ensures that aid goes to those who deserve it.

But opponents are gearing up to jettison the provision when the Higher Education Act comes up for renewal this year, arguing that education should not be used as a weapon in the war on drugs. The policy disproportionately hurts lower-income families who are least able to afford college tuition, they say, while noting that punishment for such offenses is already meted out in court.

"I don't understand why you'd want to hinder someone's ability to go to college," said Caton Volk, 23, who dropped out of the University of Illinois at Chicago after he discovered he was ineligible for aid. "If the administration is really concerned about drug use, what better means of rehabilitation than education?"

More than 100 student governments have called for the policy to be revoked. Some institutions--including Yale University, Western Washington University, Hampshire College in Massachusetts and Swarthmore College in Pennsylvania--are so opposed to the policy that they will reimburse students who have lost aid because of it.

"We don't believe students should have their education interrupted," said Dorie Baker, a spokeswoman for Yale University, which took a stand even though none of its students has been affected.

Application poses question

On average, about 47,000 of the 10.5 million federal aid applicants lose their eligibility every year, according to the American Council on Education, the major coordinating body for the nation's higher education institutions.

The process works like this: Students must complete the Free Application for Federal Student Aid. Question No. 35 asks: "Have you ever been convicted of selling or possessing drugs?" Applications with a blank or "yes" are flagged. The applicants are then sent a letter that explains that they might not receive aid and asks some follow-up questions.

Those with one drug offense are ineligible for one year for government grants or federally backed loans; a second conviction bars applicants for two years. However, they can regain eligibility upon completion of an approved drug-rehabilitation program.

The mere presence of the drug query rankles critics.

"The financial aid form was designed to help lower and middle-class students gain access to college--not be used as a mechanism to collect information," said Chris Simmons of the American Council on Education. "I understand why Congress wants law-abiding citizens, but this punishment does not affect all students equally."

Others groups--from conservative Christians to mainline anti-drug organizations--endorse the idea. "There's no entitlement to this money," said Sue Thau, a public policy consultant to Community Anti-Drug Coalition of America.

"By the time you're in college, you're old enough to know that your actions have consequences," she said. "What it says to kids is: You've got a good thing going here. Don't screw it up."

Steve Dnistrian, an executive with Partnership for a Drug-Free America, also believes it acts as a deterrent.

"This gives students a lot of incentive to make good decisions ... and we're for anything that reinforces social norms that help persuade young people not to use drugs," he said.

But to Marisa Garcia, the law doesn't keep her peers off drugs--only out of school. Garcia's financial aid was jeopardized in 2000 after she was caught with a marijuana pipe in her car.

"It was my first time. ... I had never even had a traffic ticket," said Garcia, 22, of Santa Fe Springs, Calif. "So I just paid my \$400 fine and didn't think much of it."

After she was accepted at California State University at Fullerton, she filled out her aid application and received the bad news. "There was no way we could afford college without loans," said Garcia, one of four children of a single parent.

Only because her mother refinanced the house and received a raise at her florist job was she able to scrape together tuition, Garcia said.

"What happens to kids whose families don't have a house?" she said "It doesn't make sense to penalize young people who want to better themselves."

Volk was busted for possession of marijuana in 1998, one week before he graduated from

Naperville North High School. He attended UIC for one semester, with his parents paying the bills. But then his family's financial situation changed, and his past came back to haunt him.

"[The marijuana] wasn't a tremendous amount, just enough to keep me from pursuing a college education," said Volk, who lives in Wicker Park. "I just took one look at the form ... and that was it. I didn't even try. Who knows how many kids just see the question [about drugs] and just forget the whole thing?"

Volk held a string of low-paying jobs before starting his own film production company. "But I still feel like I missed something," he said. "I love the classroom experience."

Unintended effects

U.S. Rep. Mark E. Souder, an Indiana Republican and author of the 1998 provision, says he never intended to include prior offenses as a basis for denying aid. He blames the U.S. Education Department for "misinterpreting" the law.

He is proposing that when the law is reauthorized, only those students with convictions incurred while they are in college and receiving aid be affected.

Despite the widespread criticism, he said he thinks it's the right thing to do.

"I believe that if a student is using drugs, he is probably not making the most of his education," Souder said. "That is bad enough if he is paying for his education himself, but it is simply unacceptable if the American taxpayer is footing the bill.

"What is more, I strongly believe that this law will discourage drug use."

Democratic lawmakers are divided over whether they should continue to oppose this weaker version of the ban. Given the political realities, some say it is the best they can hope for. Others--including Illinois Reps. Jan **Schakowsky**, Jesse Jackson Jr., Danny Davis and Bobby Rush--have said nothing short of all-out repeal will do.

Matthew Atwood, a graduate student at Loyola University, feels so strongly that the law should change that he is traveling to New Hampshire this month to grill the presidential candidates on their position. (Of the nine Democratic hopefuls, only Ohio's Dennis Kucinich has called for scrapping the provision.)

The Park Ridge native said the deterrent claim is dubious because the majority of young adults aren't aware the policy exists. But when they do find out, he said, they are "floored and appalled" to find out they can be denied aid for a non-violent crime.

Along with 250 other protesters, Atwood vows to be a persistent presence at a college convention in Manchester this week.

"I feel compelled to be there," he said. "If the candidates care about education than they need to

care about this issue. They need to tell us how we can be smart on drugs and no longer hold education hostage."