



## Legislation Text

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**File #:** Res 0858-2007, **Version:** A

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### Proposed Res. No. 858-A

Resolution calling upon the United States Congress to repeal the provision of the Higher Education Opportunity Act of 2008 that bars students with drug convictions from receiving federal financial aid for college.

By Council Members Foster, Brewer, Fidler, James, Stewart, Barron, Avella and Dickens

Whereas, The Higher Education Opportunity Act of 2008 reauthorizes and extends The Higher Education Act of 1965, which was signed into law by President Lyndon B. Johnson on November 8, 1965, in an effort to strengthen the nation's colleges and universities and provide financial assistance for students in postsecondary and higher education; and

Whereas, Specifically, the Higher Education Act of 1965 was enacted to help create higher education opportunities for lower and middle income families, provide program assistance to small and less developed colleges, expand and improve library resources at higher education institutions and utilize college and university resources to help deal with national issues, such as poverty and community development; and

Whereas, Prior to the 2008 reauthorization, The Higher Education Act of 1965 was reauthorized in 1968, 1972, 1976, 1980, 1986, 1992, and in 1998; and

Whereas, In 1998, Congress amended the Higher Education Act of 1965 to include Section 484 subsection (r), a drug provision penalty that took effect in 2000, barring students who have been convicted of any offenses under Federal or State law involving the possession of controlled substances from receiving federal financial aid for college for one year upon the first offense, two years for a second offense and indefinitely for a third offense; and

Whereas, Section 484 subsection (r) also set forth stricter guidelines for the suspension of federal financial aid eligibility for students convicted of any Federal or State drug-related offenses involving the sale of a controlled substance by making such persons ineligible for federal financial assistance for two years upon the first offense and indefinitely for a second offense; and

Whereas, According to the National Association for the Advancement of Colored People ("NAACP"), this drug provision penalty primarily impacted students convicted of minor possession and nonviolent offenses, instead of the major drug dealers, as was the intent of the amendments; and

Whereas, Students for Sensible Drug Policy has maintained that the penalty disqualified nearly 200,000 hardworking

students from receiving financial aid; and

Whereas, According to the NAACP, the provision affected a disproportionate number of students of racial and ethnic minorities and who came from families with total annual incomes of less than \$30,000; and

Whereas, Furthermore, the NAACP noted that, although most of the penalized students had already paid their debt to society, they were unfairly and unnecessarily denied access to higher education, the attainment of which is the only sure way to end the cycle of drug addiction, crime, violence, poverty and incarceration; and

Whereas, In January 2006, the provision was scaled back to apply only to offenses committed while the individual was in school and receiving federal Title IV aid; and

Whereas, The current provision also allows for a student to resume eligibility for aid if that student satisfactorily completes a drug rehabilitation program and passes two unannounced drug tests; and

Whereas, In January 2008, Congressman Barney Frank introduced H.R. 5157, the Removing Impediments to Students Education (RISE) Act, which would repeal provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; and

Whereas, On August 14, 2008, President Bush reauthorized the Higher Education Act without repealing the drug provision penalty; and

Whereas, It is essential that students have access to needed federal aid in order to help them continue their education in college; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to repeal the provision of the Higher Education Opportunity Act of 2008 that bars students with drug convictions from receiving federal financial aid for college.

TC  
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9/24/08  
1:14 p.m.