

# Federal crackdown on students

Thousands cut off as Bush administration enforces 1998 law

By Tanya Schevitz  
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When Marisa Garcia heard about a new law denying federal financial aid to students with drug convictions, she never thought that it would apply to her. She had just paid a \$415 fine for a misdemeanor charge of possession after police found a pipe with some marijuana ashes in her car.

"I already got my fine and I paid my ticket. I thought everything was done, and then I found out I was going to be punished again," Garcia said.

Garcia, 20, a sophomore at California State University at Fullerton, is one of thousands of college students who are being denied federal loans, grants and work assistance, under a 1998 revision of the Higher Education Reform Act that is being strictly enforced for the first time this year.

The law took effect last year, but the number of students affected is expected to rise dramatically this year because of a tightening of enforcement under the Bush administration.

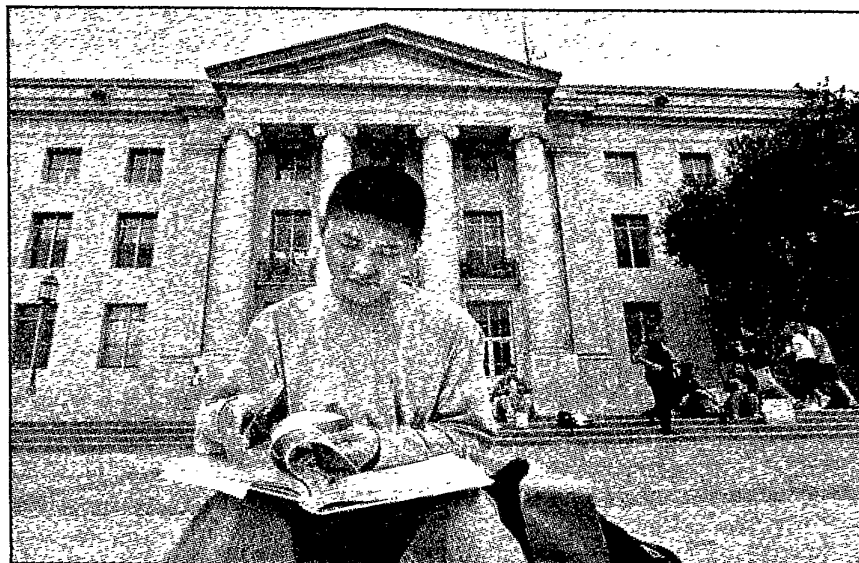
The law withholds federal loans, grants and work assistance from students for one year for each conviction for illegal drug possession and for two years for each conviction for selling drugs. Additional convictions result in indefinite ineligibility.

It is opposed by financial aid administrators at campuses around the country, including the University of California at Berkeley and San Francisco State.

U.S. Rep. Mark Souder, R-Ind., sponsored the law after hearing that drug use was skyrocketing among college students, said his spokesman, Seth Becker.

But critics say the law does not deter drug use. Instead, it is counterproductive, they say, because it takes away the opportunity for education from those who need it most. It also unfairly affects only low- and middle-income students, often minorities, who need help paying for college, critics say. In addition, it singles out drug users, while those convicted of other crimes can get aid.

The law was loosely enforced under the Clinton administration: The question about drug convictions on the financial aid application was not identified as mandatory. More than 279,000 students who did not answer still received



MICHAEL MACOR / The Chronicle

Jae Min, a UC Davis student who is attending summer school at UC Berkeley, says he's not going to apply for federal financial aid because he is facing drug charges and assumes he will be convicted.

financial aid.

But under the Bush administration, the form has been amended to state that the box must be filled out. Applications will not be processed for students who skip the question and do not answer a follow-up worksheet. White House spokesman Ken Lisaius said the administration is just enforcing the law.

Garcia was one of 9,587 students with convictions who were ineligible for federal aid for at least part of the year between July 1, 2000, and June 30, 2001.

With applications still arriving for this year, 7,139 students have already been found ineligible. Another 15,327 applications are pending from students who either left the question blank or had a drug conviction.

"Who does this policy help?" said Chris Evans, 24, campus coordinator of the Drug Reform Coordination Network, which is trying to raise awareness about the law. "Nothing bad comes from getting a college degree. By shutting this avenue off for the segment that needs it the most, society is going to pay for this in the long run."

Many of the law's critics say it is hypocritical for Bush to enforce such a law when he wouldn't answer questions during the campaign about his drug use.

"If George Bush or Al Gore had been caught using drugs, as I believe they did, it wouldn't have affected their ability to go to college," said U.S. Rep. Barney Frank, D-Mass., who is leading a fight against the law. "It will hurt minorities disproportionately. They are more likely to get arrest-

## Aid restrictions

*Students who are convicted of drug-related offenses face these restrictions on receiving federal financial aid:*

### ► Possession of illegal drugs:

First offense — one-year suspension from date of conviction  
Second offense — two-year suspension from date of conviction  
Third offense — indefinite suspension

### ► Sale of illegal drugs:

First offense — two-year suspension from date of conviction  
Second offense — indefinite suspension

► All students can regain eligibility during the suspension period if a rehabilitation program is successfully completed and two unannounced drug tests come up negative.

Source: U.S. Department of Education

to double her hours at the flower shop where she had been working about 20 hours a week. And her mother, worried that Garcia would not be able to go to college, took out a loan.

Jae Min, 18, a UC Davis sophomore who faces charges of possessing 7 grams of marijuana while driving around his hometown of Mountain View during spring break, said he isn't even going to bother filling out the financial aid form now.

"That they are singling out the drug issue so much is ridiculous. It seems like if you get caught with a joint, you are screwed, whereas you could have murdered someone and still get money," he said.

Min, who said he had the pot to share with friends, spent one night in jail and has been charged with possession of marijuana for sale and transportation of marijuana.

While the law says that those who go through a rehabilitation program can regain their financial aid eligibility, critics say it does not appropriate any money for the programs.

Richard Black, director of financial aid for UC Berkeley, said the financial aid form is the wrong tool for enforcement of drug laws.

"I don't think people should abuse substances, but the financial aid form would quickly be overwhelmed if we started putting all forms of culpable or unfortunate behavior on the financial aid form," Black said.

Garcia, one of four children in a single-parent home, was forced

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