

1 [Opposing section 484(r) of the Higher Education Act]

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3 Resolution in opposition to section 484(r) of the Higher Education Act

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5 WHEREAS, The Higher Education Act (HEA) of 1965 was created to provide students  
6 with federal financial aid to attend an institution of higher learning; and,

7 WHEREAS, In 1998 the HEA was amended by Section 484(r) (20 U.S.C. 1091(r)) to  
8 exclude students with drug convictions from receiving federal aid; and,

9 WHEREAS, According to the Office of National Drug Control Policy, in 2000 more than  
10 half of US high school seniors had tried an illegal drug; and,

11 WHEREAS, According to the National Household Survey (2001) 28.4 million  
12 Americans have used an illicit drug; and,

13 WHEREAS, Recent Department of Justice statistics show that African Americans  
14 make up 13 percent of drug offenders, but over 62 percent of convictions and more than 70  
15 percent of incarcerations for drug possession; and,

16 WHEREAS, Section 484(r) disproportionately disqualifies low income and youth of  
17 color who are most dependent on federal financial aid; and,

18 WHEREAS, Students who cannot afford college tuition are unlikely to afford private  
19 drug rehabilitation required by Section 484(r) to resume eligibility for financial aid; and,

20 WHEREAS, The Correctional Education Association reports that prisoners who receive  
21 at least two years of higher educational training have a 10 percent re-arrest rate, compared to  
22 the national rate of 60 percent; and,

23 WHEREAS, According to the U.S. Department of Education, 36 percent of those who  
24 left four-year institutions after their first year did not return within five years; and,

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1           WHEREAS, According to Students for Sensible Drug Policy, more than 128,000  
2 students have been ineligible for federal aid as a result of section 484(r) of the HEA; and,

3           WHEREAS, Students with drug convictions have already been punished by the  
4 criminal justice system; and,

5           WHEREAS, Judges handling drug cases have the option of denying drug offenders  
6 federal benefits; and,

7           WHEREAS, If students are experimenting with drugs, forcing them to drop out of  
8 college will only make it harder for them to become successful, productive members of  
9 society; and,

10          WHEREAS, S. 1860, The reauthorization bill of the Office of National Drug Control  
11 Policy in the Senate of the United States, contains revisions to section 484(r) of the Higher  
12 Education Act; and,

13          WHEREAS, S.1860 will revise section 484(r) of the HEA to apply only to those in  
14 school at the time of their drug offense; and,

15          WHEREAS, While this revision would lower the number of students harmed by section  
16 484(r), full repeal is the only fair solution for the students of America; and,

17          WHEREAS, The San Francisco Youth Commission voted unanimously to recommend  
18 full repeal of section 484(r) of the Higher Education Act; and,

19          WHEREAS, The United States Senate Committee on the Judiciary will soon markup S.  
20 1860 and United States Senator Dianne Feinstein is a member of that Committee; now,  
21 therefore be it

22          RESOLVED, The Board of Supervisors of the City and County of San Francisco urges  
23 Senator Feinstein to vote for an amendment fully repealing Section 484(r) of the Higher  
24 Education Act.  
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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 040340

Date Passed:

Resolution opposing Section 484(r) of the Higher Education Act.

March 23, 2004 Board of Supervisors — ADOPTED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin,  
Sandoval

Absent: 2 - Maxwell, McGoldrick

File No. 040340

I hereby certify that the foregoing Resolution  
was ADOPTED on March 23, 2004 by the  
Board of Supervisors of the City and County  
of San Francisco.

APR 01 2004

Date Approved

Gloria L. Young  
Clerk of the Board

Mayor Gavin Newsom